AMERICAN INDIAN AND ALASKA NATIVES POLICY

HEARINGS

BEFORE THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS UNITED STATES SENATE

NINETY-SECOND CONGRESS

FIRST SESSION

ON

S. Con. Res. 26

NEW NATIONAL AMERICAN INDIAN AND ALASKA NATIVES POLICY

JULY 21, 1971

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NEW NATIONAL AMERICAN INDIAN AND ALASKA NATIVES POLICY

WEDNESDAY, JULY 21, 1971

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met, pursuant to call, at 10:20 a.m., in room 3110, New Senate Office Building, Senator Henry M. Jackson (chairman of the committee) presiding.

Present: Senators Henry M. Jackson, of Washington; Clinton P. Anderson, of New Mexico; Quentin N. Burdick, of North Dakota; Mike Gravel, of Alaska; Gordon Allott, of Colorado; Clifford P. Hansen, of Wyoming; and Ted Stevens, of Alaska.

Also present: Jerry T. Verkler, staff director; Forrest J. Gerard, professional staff member; and Charles Cook, minority counsel.

The CHAIRMAN. The committee will come to order.

The purpose of the open hearing today before the full committee is to receive testimony from witnesses on Senate Concurrent Resolution 26, which I introduced in the Senate on May 14, 1971. This resolution calls for a new national American Indian and Alaska Natives policy. We have purposely limited the witness list to those to whom the new policy resolution matters most—the Indian people. There can be no question that the Indian people, the public, and many Members of Congress recognize that House Concurrent Resolution 108, 83d Congress, adopted by Congress in 1953 was inimical to the interests and progress of Indian people.

The heart of that policy resolution, while espousing the end of Federal paternalism and full citizenship for Indians, meant in essence the termination of the unique relationship that exists between Indian tribes and our Government.

Senate Concurrent Resolution 26 restates and reaffirms the unique relationship between Indians and the Government. Furthermore, the policy resolution seeks to use this relationship as the basis on which to build a partnership for progress between the Indian people and the Federal Government.

The committee proposes to study and analyze the administration's report on this resolution to determine if they have outlined, in a general manner at least, the way in which their program efforts to meet Indian needs will conform to the intent of Senate Concurrent Resolution 26.

The replacement of the termination policy with a policy of Federal-Indian partnership is only a first step—a step which Congress must take and is taking. The next move is with the Indian people. How do they perceive the policy resolution? How do they propose that we

achieve the partnership? We want to hear the Indians' views and their recommendations for implementing the policy stated in Senate Concurrent Resolution 26.

I will direct that a copy of Senate Concurrent Resolution 26 and Department reports be included in the hearing record at this point.

(Senate Concurrent Resolution 26 and reports follow:)

[S. Con. Res. 26, 92d Cong., first sess.]

CONCURRENT RESOLUTION ON NEW NATIONAL AMERICAN INDIAN AND ALASKA NATIVES POLICY

Whereas it is recognized by the Congress that the American Indian stands in a unique legal, social, and economic relationship to the Federal Government which is based upon treaties, statutes, and Executive orders; and

Whereas, it is further recognized that this unique relationship is the basis for the Federal responsibility to protect Indian lands, resources, and rights as well as to provide basic community services to Indian and Alaska Native peoples residing on reservations and in other traditional trust areas; and

Whereas it is understood that as citizens of the United States and the communities in which they reside, Indians and Alaska Natives are entitled to share and participate on the same basis as all other citizens in the full range of social and economic development programs authorized by Federal, State, and local units of government; and

Whereas the Federal Government is responsible for assuring that the aforementioned rights of Indians and Alaska Natives are fulfilled and that the eradication of adverse economic, education, health, and social conditions which prevent any American from achieving a life of decency and self-sufficiency is a priority national goal: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) our national Indian policy shall give full recognition to and be predicated upon the unique relationship that exists between this group of citizens and the Federal Government and that a governmentwide commitment shall derive from this relationship that will be designed to give Indians and Alaska Natives the freedom and encouragement to develop their individual, family, and community potential and to determine their own future to the maximum extent possible;

(2) this statement of national Indian policy replaces the policy set forth in House Concurrent Resolution 108, Eighty-third Congress (August 1, 1953) which is hereby expressly repealed;

(3) improving the quality and quantity of social and economic development efforts for Indian people and maximizing opportunities for Indian control and self-determination shall be a major goal of our national Indian policy;

(4) the executive branch of Government shall be charged with the responsibility of developing program efforts and procedures to assure that Indian and Alaska Native peoples, residing in areas considered to be beyond the scope of the direct Federal Indian service programs of the Bureau of Indian Affairs and the Indian Health Service, receive services and attention that are commensurate with their diverse social and economic needs;

(5) American Indian property will be protected; Indian culture and identity will be respected; and Congress will commit and dedicate itself to support a policy of developing the necessary programs and services to bring Indians and Alaska Natives to a social and economic level of full participating citizens; and

(6) the Office of Management and Budget shall submit an annual report to the Congress showing combined expenditures made by all departments and agencies of Government for the betterment of Indians and Alaska Natives.

U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY,
Washington, D.C., July 21, 1971.

Hon. HENRY M. JACKSON,
Chairman, Office of Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department on S. Con. Res. 26, a concurrent resolution "On National American Indian and Alaska Natives Policy."

While strongly supporting the objectives of S. Con. Res. 26, we recommend the passage of the attached substitute concurrent resolution in its stead.

S. Con. Res. 26 is based upon the premise that American Indian and Alaska Natives stand in a unique legal, social, and economic relationship to the Federal Government and that this relationship is the basis for the Federal responsibility to protect Indian lands, resources, and rights, as well as to provide basic community services to Indian and Alaska Native peoples residing on reservations and in other traditional trust areas. The concurrent resolution also recognizes that Indians and Alaska Natives are entitled to share and participate fully in all Federal, State, and local economic development programs and that, to assure that the rights of Indians and Alaska Natives are fulfilled, the Federal Government is responsible for eradicating adverse economic, educational, health, and social conditions which prevent any American from achieving a life of decency and self-sufficiency. The concurrent resolution declares it to be the sense of Congress that: (1) a governmentwide commitment shall be made to enable Indians and Alaska Natives to determine their own future to the maximum extent possible; (2) this statement of policy supersedes that set forth in House Concurrent Resolution 108, Eighty-third Congress (August 1, 1953), which is repealed; (3) Indian self-determination and development shall be a major goal of our national Indian policy; (4) the executive branch shall see to it that Indians residing in areas considered to be beyond the scope of direct Federal Indian programs are given services commensurate with their needs; (5) Indian identity and property shall be protected and Indians and Alaska Natives shall be brought to a social and economic level of full participating citizens; and (6) the Office of Management and Budget shall submit an annual report to Congress showing Government expenditures on behalf of Indians and Alaska Natives.

House Concurrent Resolution 108, which effected the termination of Federal responsibilities toward certain Indian tribes, has, almost since its inception, caused distrust between the Indian people and the Government. The distrust has been so strong that much action on the part of the Government, no matter how well intentioned, has been received with apprehension, if not outright hostility, by the Indians, because of their suspicion that such moves might be a covert effort to carry out the termination policy then in force. It must be recognized, however, that national Indian policy has also been marred by paternalism and inadequate efforts to enable Indians to shape their own destinies.

President Nixon has recognized these problems. In his message to Congress of July 8, 1970, he stated:

"I believe that both of these policy extremes are wrong. Federal termination errs in one direction, Federal paternalism errs in the other. Only by clearly rejecting both of these extremes can we achieve a policy which truly serves the best interests of the Indian people. Self-determination among the Indian people can and must be encouraged without the threat of eventual termination. In my view, in fact, that is the only way that self-determination can effectively be fostered.

"This, then, must be the goal of any new national policy toward the Indian people: to strengthen the Indian's sense of autonomy without threatening his sense of community. We must assure the Indian that he can assume control of his own life without being separated involuntarily from the tribal group. And we must make it clear that Indians can become independent of Federal control without being cut off from Federal concern and Federal support."

The President went on to declare in his message that he would ask the Congress expressly to repudiate H. Con. Res. 108 of the 83d Congress. The superseding policy, as envisaged by the President, "would assure these groups [American Indians and Alaska Natives] that the United States Government would continue to carry out its treaty and trusteeship obligations to them as long as the groups themselves believed that such a policy was necessary or desirable. It would guarantee that whenever Indian groups decided to assume control or responsibility for government service programs, they would do so and still receive adequate Federal financial support. In short, such a resolution would reaffirm for the Legislative branch—as I hereby affirm for the Executive branch—that the historic relationship between the Federal government and the Indian communities cannot be abridged without the consent of the Indians."

Thus, we strongly support on of the primary objectives of S. Con. Res. 26—the repeal of House Concurrent Resolution 108. And we agree in principle with many of the other provisions of S. Con. Res 26. However, we believe that the attached substitute resolution is preferable to S. Con. Res. 26 in at least three important respects. First, the attached resolution reaffirms the trust relationship

between the United States Government and the American Indians and Alaska Natives. Second, the attached resolution more emphatically repudiates the termination policy engendered by House Concurrent Resolution 108. Third, the attached resolution explicity encourages and provides for Indian assumption of the administration and management of Indian programs. This reallocation of administrative responsibility is a vital part of the Administration's Indian policy. In his message of July 8, 1970, President Nixon stated:

"For years we have talked about encouraging Indians to exercise greater self-determination, but our progress has never been commensurate with our promises. Part of the reason for this situation has been the threat of termination. But another reason is the fact that when a decision is made as to whether a Federal program will be turned over to Indian administration, it is the Federal authority and not the Indian people who finally make that decision.

"This situation should be reversed. In my judgment, it should be up to the Indian Tribe to determine whether it is willing and able to assume administrative responsibility for a service program which is presently administered by a Federal agency."

It will be noted that we have incorporated paragraph 4 from S. Con. Res. 26 into our attached substitute. In light of the fact that approximately 40 percent of American Indians now live outside of reservations, we believe that this paragraph is necessary in order to insure that urban Indians are not overlooked and receive the same remedial services and attention that the government affords other disadvantaged groups.

The Office of Management and Budget has advised that passage of this substitute resolution would be consistent with the Administration's objectives.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., July 20, 1971.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of June 4, 1971 for the views of the Office of Management and Budget on S. Con. Res. 26, "On National American Indian and Alaska Natives Policy."

In its report on S. Con. Res. 26, the Department of the Interior recommends the enactment of an alternative resolution.

The Office of Management and Budget concurs with the Department of the Interior and recommends enactment of the Interior alternative resolution in lieu of S. Con. Res. 26. Enactment of the alternative resolution submitted by the Department of the Interior would be consistent with the Administration's objectives.

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

The CHAIRMAN. Senator Gravel, would you like to make a statement?

Senator GRAVEL. Yes, Mr. Chairman, but in the interest of time, I would like to turn it in for the record, a statement delineating my strong support for this resolution and also raising some concern for the long-term approach.

I think this committee took courageous action last year in trying to obviate and do away with secretarial oversight and let the Indian people, native people, make a full determination of their assets.

I would hope that in addition to seeing that the social needs are met that we also concentrate as part of this policy on requiring and bringing about a greater determination of their own destinies by the Indian peoples themselves. So, I support this resolution very, very strongly, and would like to formalize it with this statement.

The CHAIRMAN. Thank you, Senator Gravel. That request is granted.

(The prepared statement of Senator Gravel follows:)

STATEMENT OF HON. MIKE GRAVEL, A U.S. SENATOR FROM THE STATE OF ALASKA

I speak for adoption of the national policy on American Indians and Alaska Natives set forth in the resolution before us. Properly, it would repeal and replace the policy statement of an earlier period.

I support the proposed new policy through an awareness of the inadequacies of the old—in its failure to meet contemporary conditions and needs.

It is in tune with the nation's commitments to its minority groups, civil rights, human dignity, and equality of opportunity.

It is one thing that those high purposes be acknowledged as national goals and national doctrine. It is another that they be implemented and given effect.

We will, by adoption of this new policy pave the way for matching our deeds to our words. We will have taken a step toward keeping faith with a people whose faith has been sorely tried.

It is no more possible to redress centuries-old wrongs than it is to expunge history, but it is possible to acknowledge wrongs done, to correct national attitudes which fostered wrongdoing, and to make a new start.

So, late as it is and little as it is, I welcome the opportunity to support this measure as a legislative emancipation proclamation in social and economic senses. Those for whom it is intended must, after long imposed inequality, be placed in position to become equal; equal in preparation, equal in opportunity, equal in dignity.

But by its adoption we will enhance our national credibility by giving greater meaning to our professions of good will to all people; and provide guidance to the instrumentalities we have created to serve those people for whom this policy is designed.

Yet there is an aspect about all this that troubles me a great deal, and I hope that witnesses will address themselves to it; what can we look forward to in the longer time horizon? Do we really want as a matter of policy to have a special relationship between the federal government and this particular minority group continue forever? At least as a very long run goal, don't we want to point toward a normalization of the relationship between government and the Native—that is a withering away of a special relationship so that the Native becomes "just another citizen" in the best sense of that term?

It has never seemed to me that a person or a group could be free and unfree at the same time. A year ago this Committee and subsequently the U.S. Senate passed a bill of mine having to do with the disposition of Indian settlement funds awarded the Tlingit-Haida Indian of Alaska.

The question was whether the tribe would be allowed to dispose of their award free and clear with no strings attached (as I would be able to had I won a court settlement), or whether the traditional arrangement of "Secretarial oversight" by the Department of the Interior would be written in. For what I understand was the first time ever, the Senate did not include Secretarial oversight in this bill, but the House insisted on it and the final outcome was the traditional one.

In the course of this whole struggle I learned that many Alaska Indians—as with Indians elsewhere—were reluctant to let go of the BIA. I understand this in part, because the real issue is to find better alternatives to the provision of the services BIA now offers in education, health, manpower training and the like.

Therefore, in this Committee's proposed settlement of the Alaska Native Land Claims now before us there is a uniform view that the approach should be to provide a full and fair cash and land settlement with continuing earning assets such that the Natives of Alaska will more nearly be able to sustain themselves and shape their own destinies as they choose. We think we've found a way to allow them to break the cycle that does not imply a wholesale "bugging out" of federal agencies from their transitory responsibilities.

I know that this whole subject of the relationship of the federal government to Native citizens is an on-going and complicated one. I also know that whatever policy we make now should be reexamined from time-to-time to see if it still has survival value. I do believe the long-range goal is the one I have alluded to, and I would hope that some of today's witnesses will speak to the question of what we want to see happen in the long run.

The CHAIRMAN. Senator Hansen is tied up in the Finance Committee, but wants to state that he supports the resolution.

Senator ALLOTT. That is true also for Senator Jordan and Senator Fannin, who are also tied up in another committee.

Senator STEVENS. Senator Bellmon is at an executive committee meeting also, and he has asked to have his statement placed in the record at this point.

The CHAIRMAN. Without objection, the statement will be included in the record at this point.

(The prepared statement of Senator Bellmon follows:)

STATEMENT OF HON. HENRY BELLMON, A U.S. SENATOR FROM THE STATE OF OKLAHOMA

Mr. Chairman, as a representative of the state with the largest population of American Indians, I am pleased to add my support to Senate Concurrent Resolution 26.

According to the 1970 Census, Oklahoma has 97,731 Indians, or roughly one-eighth of the total Indian population for the United States. Oklahoma has no federal reservations, and these Indian citizens, representing some 60 tribes, are intermingled with the rest of the state's population in cities and towns over the state.

Many of Oklahoma's Indians make their homes in rural areas, living in various degrees of isolation from the mainstream of everyday life. Poverty conditions among some of the Cherokees in the hills of eastern Oklahoma are among the worst to be found, when viewed from the standards of the predominant society. Other Indian families have moved to the cities, in search of a better standard of living, only to find themselves cut off from health care and many of the other services provided to Indians by the Federal government.

Although Oklahoma's non-reservation status is somewhat unique, the living conditions which prevail for Indians are not. In fact, they are all too common throughout the country.

It is not necessary for me to cite statistics to illustrate the plight of the American Indian. Members of this committee are well aware that Indians have lower incomes and higher unemployment rates; they die at an earlier age and their infant mortality rate is twice the national average. By any standard, America's original citizens are among the poorest of the poor.

Nor do I need to dwell at any length on the obvious conclusion that our government's approach to Indian problems has been a tragic failure. The fact that this resolution has been introduced by the distinguished chairman of this committee is demonstrable evidence that the Congress recognizes the need for a change, a new policy toward American Indians and Alaska Natives.

It is significant and highly encouraging that the present national administration has taken such an enlightened attitude toward Indian affairs. In his special message to Congress a year ago this month, President Nixon repudiated the idea of termination, but called for greater involvement of Indians in managing their own affairs through programs of self-determination, self-help and local control.

In this regard, I am pleased to learn that since July, 1970, American Indians have started 241 new businesses and expanded 143 Indian-owned businesses through the Indian Business Development Fund program of the Bureau of Indian Affairs. According to Commissioner Louis Bruce, new businesses and expansions made possible by the Fund will create an estimated 2,900 Indian jobs and produce an annual payroll of nearly $11,900,000.

This is an example of the type of involvement that can help the Indian become a self-reliant, productive member of society without relinquishing his identification with the tradition and culture of his proud history.

Mr. Chairman, this resolution represents an important step in furthering the progress of the American Indian because it is an expression of Congressional concern and interest in the future of our Indian citizens.

These hearings may reveal the need for some modification of the language of the resolution, but I concur with its purpose and its intent.

One point that I hope the committee will bear in mind during its consideration of this resolution: any statement of national Indian policy should fully recognize the nonreservation Indian as well as the reservation Indian. Too many existing

Federal grant-in-aid programs provide special "Indian" funds, but only for those on reservations. My contention is that if there is a need for special "Indian" funds, they should be available to help the Indians in my state, as well as those in states where Indians live in reservations.

The CHAIRMAN. Our first witness this morning is Robert B. Jim, chairman, Yakima Tribal Council.

STATEMENT OF ROBERT B. JIM, CHAIRMAN, YAKIMA TRIBAL COUNCIL, YAKIMA, WASH., ACCOMPANIED BY CHIEF WATSON TOTUS AND CHIEF HARVEY ADAMS

The CHAIRMAN. We are pleased to welcome you to the committee. I believe you have a prepared statement, which you may present.

Mr. JIM. Thank you.

My name is Robert B. Jim, chairman of the Yakima Tribal Council. Though I am listed as a witness, I would like to have for the record that my delegation of Chief Totus and Mr. Adams——

The CHAIRMAN. Will you introduce your colleagues at the head table, give their full names so we have it for the record.

Mr. JIM. Chief Totus from the Yakima Council is seated here at my right, and Mr. Harvey Adams, one of the chiefs of the Yakima Tribal Council. This is the 3-member delegation that we have.

Senator and gentlemen of the committee, it gives us a great honor to be able to take a little of your time. As we have discussed previously, we are honored that you, as one of the chiefs of the Yakima Tribe, honorary member, Chief Why-Ya-Ma-EE-Nuck-Nu-Wi-Sha-Tee-Ehum, the name that we honored you with in February 1970 when we adopted you as a member of our tribe.

The CHAIRMAN. Off the record.

(Discussion off the record.)

The CHAIRMAN. You might explain what that title means.

Mr. JIM. It means "the Eagle Who Watches Over the Land and the People", and that is the name bestowed upon you after consultation with the elders and the great honor that they had for you as a Senator and for having the consideration to come to our tribe.

Mr. Chairman, we are appreciative of the fact that after 18 years these Indian people have never had an opportunity, as we have today, to support the passage of Senate Concurrent Resolution 26, and we appreciate that you have introduced the bill yourself, and in the interests of time—I have seen too many bills come up that were reported and the time was taken by people who, though in good meaning, cut out a lot of important points that could have been brought up by other delegates.

So, we know that the Indian organizations are supporting it, as we see the witness list. We know how many Indians—every Indian tribe and every Indian, we know, supports the passage of this bill.

Our delegates are sent here by the people of my tribe, our tribe, because they know how important it is to fight, and they know what it is to be threatened with legislation to terminate us.

We are a treaty tribe, and we feel that my people should never be gypsies on land when we once owned the whole continent. So, we are here in full support of this bill.

We support the passage of Senate Concurrent Resolution 26. Nearly 16 years have elapsed since the passage of House Concurrent

Resolution 108 which approved termination of Federal treaty responsibility toward Indian nations. During this time, 60 Indian nations have lost their identity. Among them were our neighbors to the south, the Klamath Indians. A similar terminated tribe—the Menominie Indians—has been the subject of a TV special pointing out the ill effects of such termination. We wish to assure you that the situation of the Klamath Indians was equally as bad, if not worse, because they live next to us.

While we cannot imagine something worse than losing one's identity, we wish to report that House Concurrent Resolution 108 had other bad effects. House Concurrent Resolution 108 has caused years of economic stagnancy because the tribes never knew when they would face the auction block.

Almost two decades have passed when many tribal leaders mistrusted programs "smacking" of progress because of the specter of termination. If you feel that we have been facing internal conflict and unrest in our United States over the Vietnam war, let me assure you this conflict is less than the intertribal conflict where some tribal members have wished to destroy the tribal identity. Though the Indian people tend to be gentle and polite people, with strong family relationships—let me assure you that these termination liquidation fights have made lifelong enemies of brother toward brother and sister toward sister.

Let us examine what has this termination policy accomplished:

Relocation. We have sent thousands of our youth to an urban society for which they lacked adequate preparation. These urban areas were even less prepared for them. Now, we have a demand to spend billions in these urban areas to remedy a situation caused in part by this relocation policy.

Housing. Ninety percent of Indians live in improper housing today.

Income and jobs. Indian unemployment ranges between 40 and 75 percent in comparison with 6 percent for the Nation as a whole.

Health. The average age of death for an Indian today is 43 years compared to a white's 68 years.

Education. The Indian averages 5 years of schooling, whereas, all other Americans average 11.2 years.

After examining this sorry record, the President of the United States—who while a Senator voted for House Concurrent Resolution 108—has called this termination policy "morally and legally unacceptable" and has called for its repeal.

There has not been one national leader from either Congress or the executive branch that publicly supports House Concurrent Resolution 108. Yet, this dreaded policy remains unchanged as the sense of Congress. The time for Congress to announce formally as well as informally that termination is no longer the sense of Congress now.

We suggest that Concurrent Resolution 108 be stricken from the books forthwith by the passage of Senate Concurrent Resolution 26.

Mr. Chairman, we are grateful for the time, and we wholeheartedly support the passage of this bill because we know almost every year we passed a resolution opposing this policy.

Now, we are grateful that you have brought this up for people to testify in opposition to 108 and in support of your bill.

The CHAIRMAN. Thank you, Mr. Jim. We appreciate having your statement.

Do your colleagues wish to present any comment at this time?

Are there any questions?

Senator ALLOTT. I have one or two.

First of all, Mr. Chairman, I think as a part of this hearing, it would be appropriate to place into the record the message of the President on this matter of July 8, 1970, and I would ask that that be done.

The CHAIRMAN. Without objection, that will be included in the record.

(The President's message follows:)

THE WHITE HOUSE,
July 8, 1970.

To the Congress of the United States:

The first Americans—the Indians—are the most deprived and most isolated minority group in our nation. On virtually every scale of measurement—employment, income, education, health—the condition of the Indian people ranks at the bottom.

This condition is the heritage of centuries of injustice. From the time of their first contact with European settlers, the American Indians have been oppressed and brutalized, deprived of their ancestral lands and denied the opportunity to control their own destiny. Even the Federal programs which are intended to meet their needs have frequently proven to be ineffective and demeaning.

But the story of the Indian in America is something more than the record of the white man's frequent aggression, broken agreements, intermittent remorse and prolonged failure. It is a record also of endurance, of survival, of adaptation and creativity in the face of overwhelming obstacles. It is a record of enormous contributions to this country—to its art and culture, to its strength and spirit, to its sense of history and its sense of purpose.

It is long past time that the Indian policies of the Federal government began to recognize and build upon the capacities and insights of the Indian people. Both as a matter of justice and as a matter of enlightened social policy, we must begin to act on the basis of what the Indians themselves have long been telling us. The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions.

Self-Determination Without Termination

The first and most basic question that must be answered with respect to Indian policy concerns the historic and legal relationship between the Federal government and Indian communities. In the past, this relationship has oscillated between two equally harsh and unacceptable extremes.

On the one hand, it has—at various times during previous Administrations—be the stated policy objective of both the Executive and Legislative branches of the Federal government eventually to terminate the trusteeship relationship between the Federal government and the Indian people. As recently as August of 1953, in House Concurrent Resolution 108, the Congress declared that termination was the long-range goal of its Indian policies. This would mean that Indian tribes would eventually lose any special standing they had under Federal law: the tax exempt status of their lands would be discontinued; Federal responsibility for their economic and social well-being would be repudiated; and the tribes themselves would be effectively dismantled. Tribal property would be divided among individual members who would then be assimilated into the society at large.

This policy of forced termination is wrong, in my judgment, for a number of reasons. First, the premises on which it rests are wrong. Termination implies that the Federal government has taken on a trusteeship responsibility for Indian communities as an act of generosity toward a disadvantaged people and that it can therefore discontinue this responsibility on a unilateral basis whenever it sees fit. But the unique status of Indian tribes does not rest on any premise such as this. The special relationship between Indians and the Federal government is the result instead of solemn obligations which have been entered into by the United States Government. Down through the years, through written treaties and through formal and informal agreements, our government has made

specific commitments to the Indian people. For their part, the Indians have often surrendered claims to vast tracts of land and have accepted life on government reservations. In exchange, the government has agreed to provide community services such as health, education and public safety, services which would presumably allow Indian communities to enjoy a standard of living comparable to that of other Americans.

This goal, of course, has never been achieved. But the special relationship between the Indian tribes and the Federal government which arises from these agreements continues to carry immense moral and legal force. To terminate this relationship would be no more appropriate than to terminate the citizenship rights of any other American.

The second reason for rejecting forced termination is that the practical results have been clearly harmful in the few instances in which termination actually has been tried. The removal of Federal trusteeship responsibility has produced considerable disorientation among the affected Indians and has left them unable to relate to a myriad of Federal, State and local assistance efforts. Their economic and social condition has often been worse after termination than it was before.

The third argument I would make against forced termination concerns the effect it has had upon the overwhelming majority of tribes which still enjoy a special relationship with the Federal government. The very threat that this relationship may someday be ended has created a great deal of apprehension among Indian groups and this apprehension, in turn, has had a blighting effect on tribal progress. Any step that might result in greater social, economic or political autonomy is regarded with suspicion by many Indians who fear that it will only bring them closer to the day when the Federal government will disavow its responsibility and cut them adrift.

In short, the fear of one extreme policy, forced termination, has often worked to produce the opposite extreme: excessive dependence on the Federal government. In many cases this dependence is so great that the Indian community is almost entirely run by outsiders who are responsible and responsive to Federal officials in Washington, D.C., rather than to the communities they are supposed to be serving. This is the second of the two harsh approaches which have long plagued our Indian policies. Of the Department of the Interior's programs directly serving Indians, for example, only 1.5 percent are presently under Indian control. Only 2.4 percent of HEW's Indian health programs are run by Indians. The result is a burgeoning Federal bureaucracy, programs which are far less effective than they ought to be, and an erosion of Indian initiative and morale.

I believe that both of these policy extremes are wrong. Federal termination errs in one direction, Federal paternalism errs in the other. Only by clearly rejecting both of these extremes can we achieve a policy which truly serves the best interests of the Indian people. Self-determination among the Indian people can and must be encouraged without the threat of eventual termination. In my view, in fact, that is the only way that self-determination can effectively be fostered.

This, then, must be the goal of any new national policy toward the Indian people: to strengthen the Indian's sense of autonomy without threatening his sense of community. We must assure the Indian that he can assume control of his own life without being separated involuntarily from the tribal group. And we must make it clear that Indians can become independent of Federal control without being cut off from Federal concern and Federal support. My specific recommendations to the Congress are designed to carry out this policy.

REJECTING TERMINATION

Because termination is morally and legally unacceptable, because it produces bad practical results, and because the mere threat of termination tends to discourage greater self-sufficiency among Indian groups, I am asking the Congress to pass a new Concurrent Resolution which would expressly renounce, repudiate and repeal the termination policy as expressed in House Concurrent Resolution 108 of the 83rd Congress. This resolution would explicitly affirm the integrity and right to continued existence of all Indian tribes and Alaska native governments, recognizing that cultural pluralism is a source of national strength. It would assure these groups that the United States Government would continue to carry out its treaty and trusteeship obligations to them as long as the groups themselves believed that such a policy was necessary or desirable. It would guarantee that whenever Indian groups decided to assume control or responsibility for government service programs, they could do so and still receive adequate

Federal financial support. In short, such a resolution would reaffirm for the Legislative branch—as I hereby affirm for the Executive branch—that the historic relationship between the Federal government and the Indian communities cannot be abridged without the consent of the Indians.

2. THE RIGHT TO CONTROL AND OPERATE FEDERAL PROGRAMS

Even as we reject the goal of forced termination, so must we reject the suffocating pattern of paternalism. But how can we best do this? In the past, we have often assumed that because the government is obliged to provide certain services for Indians, it therefore must administer those same services. And to get rid of Federal administration, by the same token, often meant getting rid of the whole Federal program. But there is no necessary reason for this assumption. Federal support programs for non-Indian communities—hospitals and schools are two ready examples—are ordinarily administered by local authorities. There is no reason why Indian communities should be deprived of the privilege of self-determination merely because they receive monetary support from the Federal government. Nor should they lose Federal money because they reject Federal control.

For years we have talked about encouraging Indians to exercise greater self-determination, but our progress has never been commensurate with our promises. Part of the reason for this situation has been the threat of termination. But another resaon is the fact that when a decision is made as to whether a Federal program will be turned over to Indian administration, it is the Federal authorities and not the Indian people who finally make that decision.

This situation should be reversed. In my judgment, it should be up to the Indian tribe to determine whether it is willing and able to assume administrative responsibility for a service program which is presently administered by a Federal agency. To this end, I am proposing legislation which would empower a tribe or a group of tribes or any other Indian community to take over the control or operation of Federally-funded and administered programs in the Department of the Interior and the Department of Health, Education and Welfare whenever the tribal council or comparable community governing group voted to do so.

Under this legislation it would not be necessary for the Federal agency administering the program to approve the transfer of responsibility. It is my hope and expectation that most such transfers of power would still take place consensually as a result of negotiations between the local community and the Federal government. But in those cases in which an impasse arises between the two parties, the final determinations should rest with the Indian community.

Under the proposed legislation, Indian control of Indian programs would always be a wholly voluntary matter. It would be possible for an Indian group to select that program or that specified portion of a program that it wants to run without assuming responsibility for other components. The "right of retrocession" would also be guaranteed; this means that if the local community elected to administer a program and then later decided to give it back to the Federal government, it would always be able to do so.

Appropriate technical assistance to help local organizations successfully operate these programs would be provided by the Federal government. No tribe would risk economic disadvantage from managing its own programs; under the proposed legislation, locally-administered programs would be funded on equal terms with similar services still administered by Federal authorities. The legislation I propose would include appropriate protections against any action which endangered the rights, the health, the safety or the welfare of individuals. It would also contain accountability procedures to guard against gross negligence or mismanagement of Federal funds.

This legislation would apply only to services which go directly from the Federal government to the Indian community; those services which are channeled through State or local governments could still be turned over to Indian control by mutual consent. To run the activities for which they have assumed control, the Indian groups could employ local people or outside experts. If they chose to hire Federal employees who had formerly administered these projects, those employees would still enjoy the privileges of Federal employee benefit programs—under special legislation which will also be submitted to the Congress.

Legislation which guarantees the right of Indians to contract for the control or operation of Federal programs would directly channel more money into Indian communities, since Indians themselves would be administering programs and drawing salaries which now often go to non-Indian administrators. The potential for Indian control is significant, for we are talking about programs which annually

spend over $400 million in Federal funds. A policy which encourages Indian administration of these programs will help build greater pride and resourcefulness within the Indian community. At the same time, programs which are managed and operated by Indians are likely to be more effective in meeting Indian needs.

I speak with added confidence about these anticipated results because of the favorable experience of programs which have already been turned over to Indian control. Under the auspices of the Office of Economic Opportunity, Indian communities now run more than 60 community action agencies which are located on Federal reservations. OEO is planning to spend some $57 million in Fiscal Year 1971 through Indian-controlled guarantees. For over four years, many OEO-funded programs have operated under the control of local Indian organizations and the results have been almost heartening.

Two Indian tribes—the Salt River Tribe and the Zuni Tribe—have recently extended this principle of local control to virtually all of the programs which the Bureau of Indian Affairs has traditionally administered for them. Many Federal officials, including the Agency Superintendent, have been replaced by elected tribal officers or tribal employees. The time has now come to build on these experiences and to extend local Indian control—at a rate and to the degree that the Indians themselves establish.

3. RESTORING THE SACRED LANDS NEAR BLUE LAKE

No government policy toward Indians can be fully effective unless there is a relationship of trust and confidence between the Federal government and the Indian people. Such a relationship cannot be completed overnight; it is inevitably the product of a long series of words and actions. But we can contribute significantly to such a relationship by responding to just grievances which are especially important to the Indian people.

One such grievance concerns the sacred Indian lands at and near Blue Lake in New Mexico. From the fourteenth century, the Taos Pueblo Indians used these areas for religious and tribal purposes. In 1906, however, the United States Government appropriated these lands for the creation of a national forest. According to a recent determination of the Indian Claims Commission, the government "took said lands from petitioner without compensation."

For 64 years, the Taos Pueblo has been trying to regain possession of this sacred lake and watershed area in order to preserve it in its natural condition and limit its non-Indian use. The Taos Indians consider such action essential to the protection and expression of their religious faith.

The restoration of the Blue Lake lands to the Taos Pueblo Indians is an issue of unique and critical importance to Indians throughout the country. I therefore take this opportunity wholeheartedly to endorse legislation which would restore 48,000 acres of sacred land to the Taos Pueblo people, with the statutory promise that they would be able to use these lands for traditional purposes and that except for such uses the lands would remain forever wild.

With the addition of some perfecting amendments, legislation now pending in the Congress would properly achieve this goal. That legislation (H.R. 471) should promptly be amended and enacted. Such action would stand as an important symbol of this government's responsiveness to the just grievances of the American Indians.

4. INDIAN EDUCATION

One of the saddest aspects of Indian life in the United States is the low quality of Indian education. Drop-out rates for Indians are twice the national average and the average educational level for all Indians under Federal supervision is less than six school years. Again, at least a part of the problem stems from the fact that the Federal government is trying to do for Indians what many Indians could do better for themselves.

The Federal government now has responsibility for some 221,000 Indian children of school age. While over 50,000 of these children attend schools which are operated directly by the Bureau of Indian Affairs, only 750 Indian children are enrolled in schools where the responsibility for education has been contracted by the BIA to Indian school boards. Fortunately, this condition is beginning to change. The Ramah Navajo Community of New Mexico and the Rough Rock and Black Water Schools in Arizona are notable examples of schools which have recently been brought under local Indian control. Several other communities are now negotiating for similar arrangements.

Consistent with our policy that the Indian community should have the right to take over the control and operation of federally funded programs, we believe

every Indian community wishing to do so should be able to control its own Indian schools. This control would be exercised by school boards selected by Indians and functioning much like other school boards throughout the nation. To assure that this goal is achieved, I am asking the Vice President, acting in his role as Chairman of the National Council of Indian Opportunity, to establish a Special Education Subcommittee of that Council. The members of that Subcommittee should be Indian educators who are selected by the Council's Indian members. The Subcommittee will provide technical assistance to Indian communities wishing to establish school boards, will conduct a nationwide review of the educational status of all Indian school children in whatever schools they may be attending, and will evaluate and report annually on the status of Indian education, including the extent of local control. This Subcommittee will act as a transitional mechanism; its objective should not be self-perpetuation but the actual transfer of Indian education to Indian communities.

We must also take specific action to benefit Indian childern in public schools. Some 141,000 Indian children presently attend general public schools near their homes. Fifty-two thousand of these are absorbed by local school districts without special Federal aid. But 89,000 Indian children attend public schools in such high concentrations that the State or local school districts involved are eligible for special Federal assistance under the Johnson-O'Malley Act. In Fiscal Year 1971, the Johnson-O'Malley program will be funded at a level of some $20 million.

This Johnson-O'Malley money is designed to help Indian students, but since funds go directly to the school districts, the Indians have little if any influence over the way in which the money is spent. I therefore propose that the Congress amend the Johnson-O'Malley Act so as to authorize the Secretary of the Interior to channel funds under this act directly to Indian tribes and communities. Such a provision would give Indians the ability to help shape the schools which their children attend and, in some instances, to set up new school systems of their own. At the same time, I am directing the Secretary of the Interior to make every effort to ensure that Johnson-O'Malley funds which are presently directed to public school districts are actually spent to improve the education of Indian children in these districts.

5. ECONOMIC DEVELOPMENT LEGISLATION

Economic deprivation is among the most serious of Indian problems. Unemployment among Indians is ten times the national average; the unemployment rate runs as high as 80 percent on some of the poorest reservations. Eighty percent of reservation Indians have an income which falls below the poverty line; the average annual income for such families is only $1,500. As I said in September of 1968, it is critically important that the Federal government support and encourage efforts which help Indians develop their own economic infrastructure. To that end, I am proposing the "Indian Financing Act of 1970."

This act would do two things:

1. It would broaden the existing Revolving Loan Fund, which loans money for Indian economic development projects. I am asking that the authorization for this fund be increased from approximately $25 million to $75 million.

2. It would provide additional incentives in the form of loan guarantees, loan insurance and interest subsidies to encourage *private* lenders to loan more money for Indian economic projects. An aggregate amount of $200 million would be authorized for loan guarantee and loan insurance purposes.

I also urge that legislation be enacted which would permit any tribe which chooses to do so to enter into leases of its land for up to 99 years. Indian people now own over 50 million acres of land that is held in trust by the Federal government. In order to compete in attracting investment capital for commercial, industrial and recreational development of these lands, it is essential that the tribes be able to offer long-term leases. Long-term leasing is preferable to selling such property since it enables tribes to preserve the trust ownership of their reservation homelands. But existing law limits the length of time for which many tribes can enter into such leases. Moreover, when long-term leasing is allowed, it has been granted by Congress on a case-by-case basis, a policy which again reflects a deep-rooted pattern of paternalism. The twenty reservations which have already been given authority for long-term leasing have realized important benefits from that privilege and this opportunity should now be extended to all Indian tribes.

Economic planning is another area where our efforts can be significantly improved. The comprehensive economic development plans that have been created

by both the Pima-Maricopa and the Zuni Tribes provide outstanding examples of interagency cooperation in fostering Indian economic growth. The Zuni Plan, for example, extends for at least five years and involves a total of $55 million from the Departments of Interior, Housing and Urban Development, and Health, Education and Welfare and from the Office of Economic Opportunity and the Economic Development Administration. I am directing the Secretary of the Interior to play an active role in coordinating additional projects of this kind.

6. MORE MONEY FOR INDIAN HEALTH

Despite significant improvements in the past decade and a half, the health of Indian people still lags 20 to 25 years behind that of the general population. The average age at death among Indians is 44 years, about one-third less than the national average. Infant mortality is nearly 50% higher for Indians and Alaska natives than for the population at large; the tuberculosis rate is eight times as high and the suicide rate is twice that of the general population. Many infectious diseases such as trachoma and dysentery that have all but disappeared among other Americans continue to afflict the Indian people.

The Administration is determined that the health status of the first Americans will be improved. In order to initiate expanded efforts in this area, I will request the allocation of an additional $10 million for Indian health programs for the current fiscal year. This strengthened Federal effort will enable us to address ourselves more effectively to those health problems which are particularly important to the Indian community. We understand, for example, that areas of greatest concern to Indians include the prevention and control of alcoholism, the promotion of mental health and the control of middle-ear disease. We hope that the ravages of middle-ear disease—a particularly acute disease among Indians—can be brought under control within five years.

These and other Indian health programs will be most effective if more Indians are involved in running them. Yet—almost unbelievably—we are presently able to identify in this country only 30 physicians and fewer than 400 nurses of Indian descent. To meet this situation, we will expand our efforts to train Indians for health careers.

HELPING URBAN INDIANS

Our new census will probably show that a larger proportion of America's Indians are living off the reservation than ever before in our history. Some authorities even estimate that more Indians are living in cities and towns than are remaining on the reservation. Of those American Indians who are now dwelling in urban areas, approximately three-fourths are living in poverty.

The Bureau of Indian Affairs is organized to serve the 462,000 reservation Indians. The BIA's responsibility does not extend to Indians who have left the reservation, but this point is not always clearly understood. As a result of this misconception, Indians living in urban areas have often lost out on the opportunity to participate in other programs designed for disadvantaged groups. As a first step toward helping the urban Indians, I am instructing appropriate officials to do all they can to ensure that this misunderstanding is corrected.

But misunderstandings are not the most important problem confronting urban Indians. The biggest barrier faced by those Federal, State and local programs which are trying to serve urban Indians is the difficulty of locating and identifying them. Lost in the anonymity of the city, often cut off from family and friends, many urban Indians are slow to establish new community ties. Many drift from neighborhood to neighborhood; many shuttle back and forth between reservations and urban areas. Language and cultural differences compound these problems. As a result, Federal, State and local programs which are designed to help such persons often miss this most deprived and least understood segment of the urban poverty population.

This Administration is already taking steps which will help remedy this situation. In a joint effort, the Office of Economic Opportunity and the Department of Health, Education, and Welfare will expand support to a total of seven urban Indian centers in major cities which will act as links between existing Federal, State and local service programs and the urban Indians. The Departments of Labor, Housing and Urban Development and Commerce have pledged to cooperate with such experimental urban centers and the Bureau of Indian Affairs has expressed its willingness to contract with these centers for the performance of relocation services which assist reservation Indians in their transition to urban employment.

These efforts represent an important beginning in recognizing and alleviating the severe problems faced by urban Indians. We hope to learn a great deal from these projects and to expand our efforts as rapidly as possible. I am directing the Office of Economic Opportunity to lead these efforts.

INDIAN TRUST COUNSEL AUTHORITY

The United States Government acts as a legal trustee for the land and water rights of American Indians. These rights are often of critical economic importance to the Indian people; frequently they are also the subject of extensive legal dispute. In many of these legal confrontations, the Federal government is faced with an inherent conflict of interest. The Secretary of the Interior and the Attorney General must at the same time advance *both* the *national* interest in the use of land and water rights *and* the *private* interests of Indians in land which the government holds as trustee.

Every trustee has a legal obligation to advance the interests of the beneficiaries of the trust without reservation and with the highest degree of diligence and skill. Under present conditions, it is often difficult for the Department of the Interior and the Department of Justice to fulfill this obligation. No self-respecting law firm would ever allow itself to represent two opposing clients in one dispute; yet the Federal government has frequently found itself in precisely that position. There is considerable evidence that the Indians are the losers when such situations arise. More than that, the credibility of the Federal government is damaged whenever it appears that such a conflict of interest exists.

In order to correct this situation, I am calling on the Congress to establish an Indian Trust Counsel Authority to assure independent legal representation for the Indians' natural resources rights. This Authority would be governed by a three-man board of directors, appointed by the President with the advice and consent of the Senate. At least two of the board members would be Indian. The chief legal officer of the Authority would be designated as the Indian Trust Counsel.

The Indian Trust Counsel Authority would be independent of the Departments of the Interior and Justice and would be expressly empowered to bring suit in the name of the United States in its trustee capacity. The United States would waive its sovereign immunity from suit in connection with litigation involving the Authority.

9. ASSISTANT SECRETARY FOR INDIAN AND TERRITORIAL AFFAIRS

To help guide the implementation of a new national policy concerning American Indians, I am recommending to the Congress the establishment of a new position in the Department of the Interior—Assistant Secretary for Indian and Territorial Affairs. At present, the Commissioner of Indian Affairs reports to the Secretary of the Interior through the Assistant Secretary for Public Land Management—an officer who has many responsibilities in the natural resources area which compete with his concern for Indians. A new Assistant Secretary for Indian and Territorial Affairs would have only one concern—the Indian and territorial peoples, their land, and their progress and well-being. Secretary Hickel and I both believe this new position represents an elevation of Indian affairs to their proper role within the Department of the Interior and we urge Congress to act favorably on this proposal.

CONTINUING PROGRAMS

Many of the new programs which are outlined in this message have grown out of this Administration's experience with other Indian projects that have been initiated or expanded during the last 17 months.

The Office of Economic Opportunity has been particularly active in the development of new and experimental efforts. OEO's Fiscal Year 1971 budget request for Indian-related activities is up 18 percent from 1969 spending. In the last year alone—to mention just two examples—OEO doubled its funds for Indian economic development and tripled its expenditures for alcoholism and recovery programs. In areas such as housing and home improvement, health care, emergency food, legal services and education, OEO programs have been significantly expanded. As I said in my recent speech on the economy, I hope that the Congress will support this valuable work by appropriating the full amount requested for the Economic Opportunity Act.

The Bureau of Indian Affairs has already begun to implement our policy of contracting with local Indians for the operation of government programs. As I

have noted, the Salt River Tribe and the Zuni Tribe have taken over the bulk of Federal services; other projects ranging from job training centers to high school counseling programs have been contracted out to Indian groups on an individual basis in many areas of the country.

Economic development has also been stepped up. Of 195 commercial and industrial enterprises which have been established in Indian areas with BIA assistance, 71 have come into operation within the last two years. These enterprises provide jobs for more than 6,000 Indians and are expected to employ substantially more when full capacity is reached. A number of these businesses are now owned by Indians and many others are managed by them. To further increase individual Indian ownership, the BIA has this month initiated the Indian Business Development Fund which provides equity capital to Indians who go into business in reservation areas.

Since late 1967, the Economic Development Administration has approved approximately $80 million in projects on Indian reservations, including nearly $60 million in public works projects. The impact of such activities can be tremendous; on the Gila River Reservation in Arizona, for example, economic development projects over the last three years have helped to lower the Unemployment rate from 56 to 18 percent, increase the median family income by 150 percent and cut the welfare rate by 50 percent.

There has been additional progress on many other fronts since January of 1969. New "Indian Desks" have been created in each of the human resource departments of the Federal government to help coordinate and accelerate Indian programs. We have supported an increase in funding of $4 million for the Navajo Irrigation Project. Housing efforts have picked up substantially; a new Indian Police Academy has been set up; Indian education efforts have been expanded—including an increase of $848,000 in scholarships for Indian college students and the establishment of the Navajo Community College, the first collge in America planned, developed and operated by and for Indians. Altogether, obligational authority for Indian programs run by the Federal Government has increased from a little over $598 million in Fiscal Year 1970 to almost $626 million in Fiscal Year 1971.

Finally, I would mention the impact on the Indian population of the series of welfare reform proposals I have sent to the Congress. Because of the high rate of unemployment and underemployment among Indians, there is probably no other group in the country that would be helped as directly and as substantially by programs such as the new Family Assistance Plan and the proposed Family Health Insurance Plan. It is estimated, for example, that more than half of all Indian families would be eligible for Family Assistance benefits and the enactment of this legislation is therefore of critical importance to the American Indian.

This Administration has broken a good deal of new ground with respect to Indian problems in the last 17 months. We have learned many things and as a result we have been able to formulate a new approach to Indian affairs. Throughout this entire process, we have regularly consulted the opinions of the Indian people and their views have played a major role in the formulation of Federal policy.

As we move ahead in this important work, it is essential that the Indian people continue to lead the way by participating in policy development to the greatest possible degree. In order to facilitate such participation, I am asking the Indian members of the National Council on Indian Opportunity to sponsor field hearings throughout the nation in order to establish continuing dialogue between the Executive branch of government and the Indian population of our country. I have asked the Vice President to see that the first round of field hearings are completed before October.

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The recommendations of this Administration represent an historic step forward in Indian policy. We are proposing to break sharply with past approaches to Indian problems. In place of a long series of piecemeal reforms, we suggest a new and coherent strategy. In place of policies which simply call for more spending, we suggest policies which call for wiser spending. In place of policies which oscillate between the deadly extremes of forced termination and constant paternalism, we suggest a policy in which the Federal government and the Indian community play complementary roles.

But most importantly, we have turned from the question of *whether* the Federal government has a responsibility to Indians to the question of *how* that responsibility can best be fulfilled. We have concluded that the Indians will get

better programs and that public monies will be more effectively expended if the people who are most affected by these programs are responsible for operating them.

The Indians of America need Federal assistance—this much has long been clear. What has not always been clear, however, is that the Federal government needs Indian energies and Indian leadership if its assistance is to be effective in improving the conditions of Indian life. It is a new and balanced relationship between the United States government and the first Americans that is at the heart of our approach to Indian problems. And that is why we now approach these problems with new confidence that they will successfully be overcome.

RICHARD NIXON.

SUMMARY OF MESSAGE TO THE CONGRESS ON INDIAN AFFAIRS, JULY 8, 1970

By almost every index of measurement, the Indians are America's most neglected minority group. Past government policy toward Indians has been one of immense injustice. The time has come to break decisively with the past and to present a new Indian policy for the nation.

The new policy of the Nixon Administration rejects two harsh and unacceptable extremes which have dominated past policies.

1. First, *it explicitly repudiates the policy of forced termination,* and asks the Congress to do the same. Termination means that the Federal trusteeship responsibility to Indians would be discontinued. The Administration policy would affirm the historic relationship between the Federal government and the Indian communities and guarantee that it cannot be abridged without the Indians' consent.

2. Secondly, the Administration rejects the extreme policy of constant paternalism. It proposes *"contracting out" legislation* which would enable any Indian communtiy to vote to take over the control or operation of Federally-funded and administered Indian programs in the Departments of Interior and HEW.

Other Administration proposals concerning the American Indians are as follows:

3. *Restoration of 48,000 acres of sacred lands* near Blue Lake, New Mexico, to the Taos Pueblo Indians.

4. Encouraging greater *Indian control over education* through the right of Indian tribes or communities to the transfer of school control to local Indian school boards, and through an amendment to the Johnson-O'Malley Act which would permit the channeling of funds directly to Indian tribes and communities as well as to public school districts.

5. Economic initiatives including:

Increased authorization for the existing Revolving Loan Authority, which lends money for Indian economic development projects, from approximately $25 million to $75 million;

Authorization of $200 million to provide additional incentives to private lenders to encourage them to lend more money to Indian economic projects;

Permission for any tribe to enter into leases of its land for up to 99 years; and

Further emphasis on economic development planning.

6. Allocation of an *additional $10 million to improve Indian health programs.*

7. New efforts to help Indians who have left the reservation and are now dwelling in urban areas, principally through *urban Indian centers* which will act as links between existing service programs and the urban Indians,

8. Establishing a new *Indian Trust Council Authority,* separate from the Departments of Interior and Justice, which would ensure independent legal representation for the Indians' natural resource rights.

9. Establishment of a new position in the Department of the Interior—*Assistant Secretary for Indian and Territorial Affairs.*

The President's message to Congress concerning Indian affairs also discusses efforts which the Administration has made during the last 17 months to improve Indian programs. And it calls for continuing close consultation with Indians in the development of new programs and policies.

Senator ALLOTT. Mr. Jim, I believe you participated last year in the Council for Indian Opportunity, and you discussed there the repeal of 108 at that time; did you not?

Mr. JIM. Yes, we did. Also, Senator, we had several termination bills, about 5 or 10 years ago, that we were opposing to terminate our

tribe. We had a bill introduced by a Congressman that we had hearings on.

Senator ALLOTT. At that time, you raised some questions whether the National Council on Indian Opportunity had provided sufficient opportunity to you and the other tribes for comments on it before suggesting the legislation.

Did you have an opportunity to review this legislation before it was sent up?

In other words, was that situation cured?

Mr. JIM. Yes. The National Council on Indian Opportunity not only provided us with copies of the bills, but verbatim minutes of our own testimony in their hearings, but this, in relation to Senate Concurrent Resolution 26, this is where the Indians are stymied. They will not participate fully in legislation, much of which has terms in there they believe reflect House Concurrent Resolution 108, but if this policy is reversed, then I am sure you would have full participation of the Indians because they would have confidence that this was not going to wipe them out, so to speak.

Senator ALLOTT. Of course, we have found out through the years that we have many, many conflicting voices of opinion with respect to Indian Affairs, and it is a very great concern, and always has been, to this committee to try to find a solution.

I recall, and I understand we have a member of the Menominee Tribe who will testify later here, but I recall with great pain the fact that the Menominee Tribe requested termination, and I believe for some 8 successive years, we dealt with that matter with modifications, one thing and another, in this committee.

I could be out on the 8 years, but it was quite a number of years.

Do you believe that the trustee relationship of the Government with the Indian tribes has been beneficial, or not?

Mr. JIM. Yes, it has been beneficial, Mr. Senator, because it has kept a trust relationship for many of my people who are uneducated.

Yet, they are the ones that own the land. Without education and management, they cannot survive and be living there on the reservation. They have a free choice to leave any time they want, but if they did not have the trust relationship, many of them would be beat out of their land because they are uneducated and too kindhearted, so to speak. They must have this responsibility of trust, because it is one of the parts of the treaty agreement that my people made with the U.S. Government when we gave up this land, and I feel it is something that today, as much as they choose us to represent them, we believe it is fair and must stay.

Senator ALLOTT. As I gather, the chief thing you object to is the fact that termination is stated in 108 as a national policy?

Mr. JIM. Yes, sir.

Senator ALLOTT. And that does not change your mind in the least that if in the opinion of any tribe they decided that it was to their best interests as a tribe to be terminated, they should have the right to express that to the Congress and be terminated?

Mr. JIM. Yes, sir. That is their privilege.

Senator ALLOTT. Individually, tribe by tribe.

Mr. JIM. Individually, tribe by tribe, but not by minority groups to pose as representing tribes.

The minority groups will introduce legislation because they have left the reservation and see a block of land that could put dollars in their pockets.

Senator ALLOTT. This is one of the things that causes very much pain on this committee, because in many of the tribes you have very sophisticated, well-organized tribal organizations.

In some of them, they are organized on a most loose basis, so it is really very difficult for this committee to always determine what is the tribal will, and in some cases it is impossible to get the tribal will.

In one case that I know, a tribe—there is no tribal council. There is a tribal chief, a president. The whole tribe on the reservation and off represents the council, and getting the will of that tribe is a very difficult thing to do.

I just speak of these things to point out that the problem is just not so simple.

Mr. JIM. Yes.

Senator ALLOTT. You mentioned the minorities in the tribe requesting termination. It hasn't always been the Indians who have left the reservation who have been for termination. This may have been true in a particular instance that you are thinking of, or maybe several of us. I don't know.

But it hasn't always been true that it is just them.

So, we have a difficult, a very great difficulty, in arriving at the real tribal will in many instances.

Now, one of the administration bills which has been submitted as a result of the NCIO, the National Council of Indian Organizations recommendation and the President's Indian message is S. 1573, which provides for the assumption of control of Indian programs by the Indians.

Do you support this legislation?

Mr. JIM. Well, Mr. Senator, I am not cognizant exactly with the wording of that bill, because we have prepared statements that we will submit. That is one of the package bills, I believe, submitted by the administration, but we felt such a high priority on Senate Resolution 26 that we would like to support Senate Resolution 26 out into passage and then we will submit a formal statement in regard to this 1573.

I could answer it only in that capacity, sir.

Senator ALLOTT. Have you prepared that statement at this time?

Mr. JIM. We have prepared one here for this one, but not for——

Senator ALLOTT. I mean for 1573.

Mr. JIM. No, we haven't. We have been working toward it, but we haven't prepared it to submit it yet.

Senator ALLOTT. Since you have not, I have no further questions, then.

Thank you very much.

I would like to have gotten your ideas. Perhaps we will have a chance to do that when 1573 comes up.

Mr. JIM. Yes. I am sorry. If you would like, we will submit it.

Senator ALLOTT. I know we are here on the concurrent resolution.

The Chairman. Senator Burdick?

Senator BURDICK. I want to thank you for your contribution this morning and I want to assure you that I strongly support this resolution.

I want to point out to you that since I have been on this committee at least we have never followed the theory of Resolution 108. As far as I can see, and legally, that just bound the Congress back in 1953. It had no binding on us.

There have been some terminations, but as Senator Allott has just pointed out, What do we do when the tribe comes in here and asks for voluntary terminations by their own free will, and by their own free choice? Do we give it to them, or don't we?

This is what happened with the Menominees. They came in here and asked for it. Should we deny it, or should we approve it?

Mr. Jim. Is that a question, sir?

Senator BURDICK. That is a question, Yes.

Mr. JIM. I believe that is why we have a highly qualified Senate Interior Committee, to make that determination, and I don't envy the decision you have to make in these individual tribal cases, but I think today, here on the record, when we can have statements that you haven't followed the policy, as you have said, and this Senate hasn't, and this committee is reporting out this bill, I believe that will turn the Indians' minds better to support passage of legislation as Senator Allott has just mentioned, and in others, when they hear of your policy, I believe they will open up, but we asked the same thing of our people, the question you are asking me.

We asked the same thing, but they are way undereducated. Some of them don't speak English. I believe in 1958, 485 couldn't speak English on the Yakima Reservation yet, though we have been there for some 25,000 years on that land.

So, these are the ones that we believe our forefathers protected us at the time of the treaty to have a reservation, and we believe it should be supported. We believe if there is going to be termination, we believe it should be 100 percent, because you are affecting generations of people to come yet.

My children's children will be affected by resolutions of termination and the policy you are talking about here today.

So, we feel that we are against termination wholeheartedly, that while we are here, we have come 3,000 miles to support this legislation.

Senator BURDICK. After we pass this resolution, and I am sure we will, and the expression of the Congress is set out, then suppose next year another tribal council comes in here with an application for termination and they say they have had a plebiscite and it has been maybe not 100 percent approved but 98 percent approved, what do we do with that?

Do we act on it?

Mr. JIM. I am sure you will judge that when it comes. I think if it was up to me, I would turn it down.

Senator BURDICK. Even on a 98 percent?

Mr. JIM. They are talking for people who aren't born yet, of a tribe.

Senator BURDICK. We have always adhered to the policy that there should be free will, and it should be their decision to make, and that is the way I have acted at least, and this committee has acted, I think, these past many years.

You may be right. We probably should be certain that a substantial number of the people feel that way, as represented by their council.

I want to thank you for your testimony this morning.

Mr. JIM. Thank you very much.

Mr. Chairman, if there are no more questions, we want to thank you for your time.

Senator STEVENS. I have one question, if I may, Mr. Chairman.

Mr. Jim, I know that the Yakima people have been very great friends of the Alaskan Native people and we are indebted to you for that and for your help to the AFN and the groups of Alaskan Natives, but I would like to point one thing out to you without being too critical.

The President was Vice President of the United States in 1953, and he did not vote on the House Concurrent Resolution 108. He was not a Senator in 1953. He was Vice President in 1953. You don't mind me correcting the record on that.

I know that you would not want to make the assertion that he was a Senator when he was Vice President of the United States.

Mr. JIM. My mistake, and thank you very much. If the record could be corrected, I would appreciate it.

Senator GRAVEL. Mr. Chairman, may I just add one word?

I would like to thank you as an Alaskan citizen for the economic aid your tribe gave to the AFN, which gave them the economic muscle to pursue their Native claims.

By that, I think you rendered a great service not only to the Alaskan Natives but to all Alaskans, and I want to thank you as a person and as a Senator.

Mr. JIM. Thank you. We feel that, having a treaty 117 years ago, we know the fight we are facing today. They are probably facing as qualified people in the Senate that they know will help them, and we tried to do what we could do.

Senator GRAVEL. But for you to step forward and lend them money which they couldn't borrow money from the banks or normal institutions and couldn't get money to support their cause from the Government, I think is certainly testimony to the brotherhood of the Indian people.

Mr. JIM. Yes; and we are appreciative of the fact that you mentioned it, and that they appreciate it, too, and we will confront you and Senator Stevens with a problem in a few days.

Senator ANDERSON. Where does the Resolution 108 come from?

Mr. JIM. House Concurrent Resolution 108 was passed in 1953, in August, I believe, to have the policy of Congress to terminate Indian reservations.

Senator ANDERSON. Do you or any other member of your tribe approve of that, or oppose it?

Mr. JIM. At that time, we did not have formal delegations, and I don't believe we had enough money or knowledge to comment and oppose it.

Senator ANDERSON. Did you testify the tribe didn't have money?

Mr. JIM. We didn't have money for a delegation as we do today to come here to testify, and that is the reason, I believe, that we couldn't send a delegation, because at that time they used to collect money from families to send a delegation to Washington, and they weren't up to date on legislation, as we are today.

So, we had no record on it, on opposing it or anything at that time.

Senator ANDERSON. Did Senator Watkins propose it?

Mr. JIM. Senator Watkins did; I believe.

Chief TOTUS. At that time, Senators Watkins and Malone was 100 percent for terminating Indians.

Senator ANDERSON. What happened then?

Chief TOTUS. In the Yakima Tribe, I think I was one of the delegates at that time with another group to oppose this.

Senator ANDERSON. Oppose it?

Chief TOTUS. Yes; the termination.

Senator ANDERSON. Was this in the past?

Chief TOTUS. Again, sir, it passed at that time.

Senator ANDERSON. Was it strongly supported?

Chief TOTUS. Congress supported it, not the tribe.

Senator ANDERSON. Not the tribe?

Chief TOTUS. No; we were against it.

Senator ANDERSON. Senator Watkins introduced it in the Senate, did he not, and various people supported it?

Chief TOTUS. We were against it, the Yakima Tribe.

Senator Watkins wanted it introduced, the termination against Indians.

Senator ANDERSON. Did any Senator oppose the proposal?

Chief TOTUS. That is quite a while now. I couldn't memorize my thinking that far.

Senator ANDERSON. Wasn't there some opposition to it?

Chief TOTUS. Well, the opposition was my people at that time didn't have no hesitation and didn't have no grounds to come here. The only way they could come here at that time was by a collection. That is pretty rough, especially at that time.

You know what you mean by a collection of money? A collection to send delegates.

Senator ANDERSON. What happened, then? Were there people who opposed the resolution and got it reconsidered?

Chief TOTUS. I don't know. There are so many tribes that were here at that time, that I don't recollect my memory that far, only the Yakima.

Senator ANDERSON. Did Senator Goldwater have a proposal on that?

Chief TOTUS. I don't know.

Senator ANDERSON. I would like to lay in the record the legislative record of House Concurrent Resolution 108.

(The record referred to follows:)

[Calendar No. 753, Report No. 794, 83d Cong., first sess.]

EXPRESSING THE SENSE OF CONGRESS THAT CERTAIN TRIBES OF INDIANS SHOULD BE FREED FROM FEDERAL SUPERVISION

(July 30 (legislative day, July 27), 1953.—Ordered to be printed)

Mr. Butler of Nebraska, from the Committee on Interior and Insular Affairs, submitted the following Report (to accompany H. Con. Res. 108):

The Committee on Interior and Insular Affairs, to whom was referred the House concurrent resolution (H. Con. Res. 108) expressing the sense of Congress that certain tribes of Indians should be freed from Federal supervision, having considered the same, report thereon with the recommendation that it do pass without amendment.

This resolution was considered by the Committee on Interior and Insular Affairs of the House; on July 15, 1953, that committee submitted its report (H. Rept.

No. 841) to the House recommending its passage, and on July 27, 1953, it passed the House.

A full explanation and the history of this proposed legislation is contained in said House Report No. 841, a copy of which is attached hereto and made a part of this report, as follows:

Explanation of House Concurrent Resolution 108

Background history of this legislation

Your Committee on Interior and Insular Affairs, through its Indian Affairs Subcommittee, and with the continuing cooperation of the Secretary of the Interior and the Indian Bureau, has, during this session, operated in 5 major areas of legislation affecting the Indians. This legislation, whether before the House or presently under committee consideration, has 2 coordinated aims: First, withdrawal of Federal responsibility for Indian affairs wherever practicable; and, second, termination of the subjection of Indians to Federal laws applicable to Indians as such.

To accomplish these aims, the Congress must consider:

1. *Enactment of legislation having as its purpose repeal of existing statutory provisions which set Indians apart from other citizens, thereby abolishing certain restrictions deemed discriminatory*

Interrelated legislation in this area deals with—

(*a*) Restrictions applicable to Indians in personal property transactions.

(*b*) Restrictions applicable to Indians as to disposition of livestock.

(*c*) Restrictions applicable to Indians having to do with possession and sale of firearms.

(*d*) Restrictions applicable to Indians having to do with sale, possession, and use of intoxicants.

(*e*) The question of State civil jurisdiction over Indians.

(*f*) The question of State criminal jurisdiction over Indians.

The House, in enacting H.R. 3409, has indicated its desire to repeal Federal statutes applicable only to Indians having to do with personal property, the sale of firearms, and the disposition of livestock.

The committee has reported to the Speaker, H.R. 1055, which has as its purpose repeal of Federal statutes prohibiting use or possession by, or sale and disposition of, intoxicants to Indians. In addition, H.R. 1063, reported to the House as of this printing, has as its purpose the conferring of civil and criminal jurisdiction over Indians upon certain States, wherever abolishment of exclusive Federal jurisdiction is deemed practicable at this time.

2. *Enactment of legislation, terminating certain services provided by the Indian Bureau for Indians by transferring responsibility for such services to other governmental or private agencies*

In this area of operation, your committee has programed legislation which is aimed at withdrawal of Indian Bureau responsibility for health, welfare, soil conservation, and related programs. As an initial step, the committee has reported H.R. 303, which deals with the Indian Health Service, and the operation by the Bureau of Indian hospital and health facilities. H.R. 303, as reported, would transfer to the Department of Health, Education, and Welfare responsibility for this service; it would, at the same time, authorize transfer by the Secretary of that Department of such responsibility to State, county or municipal subdivision, or to private nonprofit corporations, whenever satisfactory arrangements for such transfer could be agreed upon. In all instances of such service termination, care has been, and continually will be, taken to insure continuance of a high standard of service by the transferee agency.

It should be made clear that the transfer from one governmental agency to another will not create duplication of services; rather, it operates to place the Indian in the same position as non-Indians with respect to the service provided.

Members are familiar, in this area of legislation, with the numerous statutory enactments having as their purpose conferring of additional self-management upon specified tribes and individuals; this, through creation of tribal loan funds operated by the tribe, and increased authorizations for existing loan funds. As example, your committee has acted favorably on H.R. 5328, establishing a rehabilitation program for the Ute Mountain Tribe of Ute Indians in Colorado, and similar legislation.

3. Enactment of legislation providing for withdrawal of individual Indians from Federal responsibility, at the same time removing such individuals from restrictions and disabilities applicable to Indians only

Congress has many times in the past considered and enacted legislation having as its purpose payments of current tribal income on a pro rata basis to individual members of each tribe where such payments are consistent with the point of safety in the protection of the tribe as a whole. Such payments recognize the responsibility of the tribe and of individual members to contribute a fair share of the cost of services enjoyed by them. Complementary to this aim have been the numerous bills providing for issuance of patents in fee to individuals, thus recognizing the ability of the individual to manage his own affairs.

Your committee has reported to the Speaker H.R. 4985, which would provide a procedure for the issuance of a certificate or decree of competency to any competent adult Indian making application, conceiving it to be a progressive piece of legislation in the general area considered here. Termination of Federal trusteeship over the property of competent Indians, and a complete discontinuance of all special services for them, can be fully accomplished only if a method is provided whereby the Indian who wishes to do so can obtain a declaration of competency, eventually to withdraw completely from the tribe, obtain his share of tribal property, and go on his way—as a truly "first-class citizen." If enacted, H.R. 4985 would, in its operation, go a long way in narrowing down and helping to clarify the complex problem posed by individual withdrawal.

4. Enactment of legislation terminating Federal responsibility for administering the affairs of Indian tribes within individual States as rapidly as local circumstances will permit

Legislation is presently contemplated with respect to tribes in the States of California, Florida, Iowa, New York, and Texas. Such action, of course, necessitates agreement with the proper public bodies of the political subdivisions affected, whereby individual States assume responsibility for the services customarily enjoyed by the non-Indian residents. In addition, provision must be made for distribution of tribal assets, either to tribal control, or to individual members, whichever may appear to be the better plan in each case; provision must also be made relative to trust property responsibility in all instances.

5. Enactment of legislation terminating Federal responsibility for administering the affairs of individual Indian tribes as rapidly as circumstances will permit

In addition to legislation presently being considered for individual tribes, and members thereof, the committee is directing particular attention to legislation which would free from Federal supervision and control and from all disabilities and limitations specially applicable to Indians the following: The Flathead Tribe of Montana, the Klamath Tribe of Oregon, the Menominee Tribe of Wisconsin, the Osage Tribe of Oklahoma, the Potawatomie Tribe of Kansas and Nebraska, and those members of the Chippewa Tribe located on the Turtle Mountain Reservation of North Dakota.

The resolution here considered, House Concurrent Resolution 108, your committee feels, would give direction to investigation by the Secretary of the Interior of legislation needed to accomplish termination of services and responsibility for administering the affairs of Indian tribes in the States therein named, and for individual tribes named, as indicated in the foregoing paragraphs.

In addition, the proposed resolution establishes January 1, 1954, as the latest date for transmittal by the Secretary of the Interior to Congress of his recommendations for such legislation as may in his judgment be necessary to accomplish the purpose spelled out in the resolution.

Senator ANDERSON. I thought the resolution got passed in the Senate and they reconsidered it at one time and changes were made in the resolution.

Mr. GERARD. Apparently the Indian people didn't have a very good chance to testify on that in the early 1950's and it went through rather quickly.

Mr. JIM. Yes; and there was a list of priority of Tribes to be terminated in such an order.

I think that should be made part of this record so that they would see that. We were on that list.

Mr. GERARD. You were removed from the list?

Mr. JIM. There were 12 on it, and that is why it is so important today to get off that list.

Thank you, Senator, Mr. Chairman, and gentlemen of the committee, for your attention.

With that, that completes, if there are no more questions, our presentation.

(At this point, Senator Anderson assumed the Chair.)

Senator ANDERSON. The next group is the National Congress of American Indians.

STATEMENTS OF EARL OLD PERSON, PRESIDENT, JOHN RAINER, FIRST VICE PRESIDENT; LEO VOCU, EXECUTIVE DIRECTOR; FRANKLIN DUCHENEAUX, SPECIAL COUNSEL OF THE NATIONAL CONGRESS OF AMERICAN INDIANS

Senator ANDERSON. Mr. Old Person?

Mr. VOCU. Mr. Chairman, my name is Leo Vocu. I would like to introduce the gentlemen who are with me.

On my right is Earl Old Person of the Blackfeet and president of NCAI and John Wright Rainer, Taos Pueblo, from New Mexico, and first vice president of NCAI.

On my left, Franklin Ducheneaux, who is my legislative consultant from Cheyenne River, S. Dak.

We appreciate the opportunity to present the position of NCAI on Senate Concurrent Resolution 26 and we commend the chairman of the committee for his sponsorship of the resolution.

Senate Concurrent Resolution 26 would accomplish, in both a negative and positive manner, the expressed desires of the Indians with regard to the policy of termination.

Negatively, Senate Concurrent Resolution 26 repeals and repudiates the sense of Congress on Indian policy as expressed by House Concurrent Resolution 108 of the 83d Congress.

If passed by the Senate and concurred in by the House, this aspect of Senate Concurrent Resolution 26 will bring to an official close the termination era of Federal-Indian relations that was universally abhorred and condemned by all Indians.

Perhaps it is overdramatic—even melodramatic—to say that the word termination and the phrase, House Concurrent Resolution 108, strikes fear in the hearts of Indian people—Indian leaders—Indian tribes throughout Indian country. Perhaps melodramatic, but nevertheless true.

House Concurrent Resolution 108 and its policy of speedy termination of Indian tribes as self-governing entities, bringing with it the disasters of Public Law 83–250 and the carnage of the Menominee, Klamath, and several other termination acts, signaled the untimely death of the enlightened Indian policies of Roosevelt, Ickes, Cohen, and Collier.

Just at the time when Indian tribes and people across the Nation were struggling to their feet under the Indian Reorganization Act and in an atmosphere of self-rule, self-determination, and self-help, the United States chose to knock them down again.

The terminationist trend in Federal policy began in the late forties and culminated in force and effect in the mid and late fifties. If one examines the record of congressional hearings and debates on Indian bills and executive nominations; public speeches and pronouncements of Congressmen and executive officials on Indian matters; and official executive documents on Indian affairs of this era, one can see the antipathy and intransigence toward Indian control of Indian affairs within the trust relationship forming and hardening.

It is perhaps, futile to attempt to assign the responsibility for initiating and executing the policies of termination to either political party, although Indian and non-Indian alike make charges and countercharges in this regard. It is a fact of life—although a mixed blessing—that Indian matters are rarely the subject of partisan politics, but most often of interest politics which cuts across party lines.

Land, water, minerals, oil, timber, virgin, untapped natural resources of Indian reservations in a Nation otherwise rapidly depleting her resources—this is the "stuff" of national politics on Indian matters. This is why the non-Indian is so ready to save us from ourselves or to make Indians first-class citizens.

What is the why of the termination era?

(At this point, Senator Burdick assumed the Chair.)

Of those who supported the termination policies of the fifties—both within and without the Government—a few were genuinely concerned about the betterment of the Indian condition. As in the disastrous allotment era, these friends of Indians had their ignorance and zeal as their excuse.

There were those who supported the policy without regard to the impact on Indian people. For them, it was a matter of getting the Federal Government out of the Indian business at any cost. Indians should be like the rest of us. Get Indians off the public dole and make them first-class citizens. This was the attitude of this faction.

And finally there were those who saw this policy as a chance to get at the undeveloped resources and assets of Indian tribes. The Indians could be forced to sell out. Or, if they were permitted to retain their land and resources, the trust obligation so sacredly assumed by the United States would be abolished and the unschooled, unsophisticated Indian could be duped out of his wealth.

These were the forces that combined to visit the plague of termination of the Indian people.

What has been the end product of termination as a policy? We can all point to the despair and poverty of the Menominee in Wisconsin and the need for a special appropriation under the HEW budget to prevent a total collapse of the Indian community. We can document the wreckage of Indian lives on those former reservations which have experienced the honor of termination.

But the cancer of termination has spread far beyond those relatively few unfortunate tribes whose members now have the privilege of being first-class citizens. Tribes facing the spectre of termination and seeing it in every action of the Federal Government, saw the enthusiastic progress so auspiciously begun under the Indian Reorganization Act come to a dead halt in many cases and slowed substantially in most.

Indian tribes seeing their neighbor tribe destroyed because they had been judged to be well-assimilated into the polluted water of the mainstream and, as a consequence, ready for termination, were fearful of making any real economic and social progress.

So, they did not. Many well-intentioned and admittedly beneficial programs and proposals for Indian betterment died in their inception because of Indian reluctance to progress to the point of termination or because they saw the potentiality of termination in the implementation of such programs.

Termination as an open, stated policy ended in the early sixty's. Two presidential messages to the Congress have supposedly laid it to rest. The official line is now self-determination without termination. The promise today is the elimination of paternalism and the maintenance of the trust relationship.

It has been stated that a concurrent resolution expressing the sense of Congress on a particular subject dies with the Congress in which is is enacted. This may be true. But the last formal expression of the Congress on the subject of Indian policy is House Concurrent Resolution 108 of the 83d Congress.

For Indian people, that resolution is all too alive and the complete acceptance and cooperation with any new policy by Indian people will not happen until the philosophy of House Concurrent Resolution 108 is as formally repudiated as it was established.

Repudiation of House Concurrent Resolution 108 by itself would generate uniform support among Indians of Senate Concurrent Resolution 26.

But Senate Concurrent Resolution 26 goes beyond the negative action of repudiating 108. It sets a new course for positive action under a new philosophy of Indian affairs "predicated upon the unique relationship that exists" between Indian people and the Federal Government.

We would like to emphasize the phrase "land, resources, and rights" in the second "whereas" clause. We are pleased that the resolution recognizes the intangible rights of Indian tribes, such as water rights, tax exemption rights and the right to self-government, which are currently under heavy attack.

The text of the resolution addresses itself to the solution of the manifest problems of Indians and commits the Congress to these solutions while maintaining the trust relationship.

It is the positive aspects of 26 which could have the greatest impact on the administration of Indian affairs. As stated in paragraph 3 of the resolution, only by a strong commitment to " * * * improving the quality and quantity of social and economic development efforts for Indian people and maximizing opportunities of Indian control and self-determination" can the "first-class citizenship" so readily promised by the terminationist be truly achieved.

But in our praise and support of worthy efforts, let us also be honest in our position. While the elimination of House Concurrent Resolution 108 and the promises of Senate Concurrent Resolution 26 are goals we have sought, it is the followthrough that really counts.

Now the Congress and this committee must support the programs and plans developed by and with Indians for the solution of Indian problems.

And, finally, Congress and this committee must be willing to support the appropriation of the funds necessary to make these programs and plans work. Not the inadequate or just-adequate amounts available in the past, but in amounts which can make up for the past inadequacies and meet the mounting future needs.

Enactment of Senate Concurrent Resolution 26 will remove any further excuse of the administration for failure to make good on their promises of Indian self-determination, self-help and local control. Paragraph 4 of the resolution makes the intent of Congress on this point very clear.

The National Congress of American Indians would like to suggest three amendments to the resolution.

We would like to have the word, "trust" inserted after the word "unique" where it appears in line 4 of page 2.

On line 11 of page 2, we would like the phrase, "within such trust relationship," inserted after the word "possible" and before the semicolon. On page 3, line 16, add the phrase, "within the trust relationship" after the word "citizen and before the semicolon."

We suggest such amendments in order to emphasize the trust nature of the relationship between the United States and Indian tribes and to reaffirm the Nation's responsibilities and obligations under it. In this regard, we concur with the proposed substitute resolution offered by the administration in their report on Senate Concurrent Resolution 26.

The resolution's recognition on page 1 of the "Federal responsibility to protect Indian lands, resources and rights is rendered somewhat meaningless without specific recognition of the Nation's trust obligation to do so.

Mr. Chairman, this completes my statement.

I thank you.

Senator BURDICK. Thank you, Mr. Vocu, for an excellent statement.

I have just one question to ask you.

The statement emphasizes the self-government rights of the Indians, to be able to make their own decisions, with which I heartily agree.

Mr. VOCU. Thank you.

Senator BURDICK. But suppose, after this resolution is passed and we have a reservation representative that comes in and asks us under this self-determination phrase, asks us for termination, what do we do?

Mr. VOCU. Mr. Chairman, the National Congress of American Indians has consistently since 1953, and even prior to 1953, been against termination or anything that even looked or smelled like termination. But the National Congress Indians, I am sure, would take the stand advising a tribe not to go the termination route, but each tribe in its right to govern itself will make its own decision, and it has the right to accept termination if this is what they really want.

Senator BURDICK. You would honor that right if that is what they really want?

Mr. VOCU. If this is what they really want; yes.

Mr. Chairman, I would like to ask Mr. Old Person to comment.

Mr. OLD PERSON. Mr. Chairman, I would like to comment on the particular question you asked, what would you do if a reservation or a tribe asked for termination.

I would say that this particular request should be treated just like any other move that had been made.

For instance, we as the people that were opposing and have been opposing termination whenever we are requesting the repeal of 108, how that was treated, before we got an answer, it was examined, it was brought to committees, it was checked out before we had an answer, and I think this should be treated in the same manner to find out if this reservation, if this tribe, if that is really what they want.

Then make your decision from there.

But until then, I do not think that there should be an answer given without really getting into "what do you really want? Is this what you want, is this the answer to your problem within your respective reservation or your respective tribe?"

Senator BURDICK. This is precisely how this committee has handled these matters in the past. When the Menominees came in here, they had lawyers and Members of Congress. They came in across a broad front and asked for this.

Now, should we turn them down in the future? What do we do?

Mr. VOCU. Mr. Chairman, I would like to ask Mr. Ducheneaux to also comment on your question.

Mr. DUCHENEAUX. It is pretty much in the same line as Mr. Old Person's comment, but I did want to say this, that we have had, as you know, at least one occasion lately where a tribe had requested, the council had requested, that it be terminated. The request is not currently being offered, but I think that this committee and the committee in the House have obligation beyond merely granting termination to a tribe.

I think they have an obligation as representative of the United States as trustee to look into the situation of the tribe to determine in their own minds whether this tribe is in fact really for termination.

Senator BURDICK. You see, what bothers me on this point is that I want to give the Indians, and I think the committee does, the right to make these decisions as part of the new process.

Now, they come along exercising this right and make this decision. Do we deny the right?

Mr. DUCHENEAUX. I don't think necessarily you ought to deny it, but you shouldn't necessarily grant it just because they ask for it.

I think you should look into each individual case as representatives of the trustee to see if they are in fact ready for the termination, and as Mr. Old Person said, see exactly who is asking.

In some cases maybe just a portion of the tribe is asking.

Senator BURDICK. I understand that, but after the committee finds they are in almost total agreement, then if we don't go along with them, we are denying them self-government and self-determination; aren't we?

Mr. DUCHENEAUX. It is a very difficult decision, sir.

Senator BURDICK. That is correct. But as I said before, I am for this legislation, even though we will face problems after it is passed.

Senator Anderson?

Senator ANDERSON. What was the wealth of the Navajo Nation at the time of the passage of House Resolution 108?

Mr. VOCU. I don't believe that I am qualified to say what their wealth was, then or now.

Senator ANDERSON. Do you have a spokesman who could give that?

Mr. RAINER. The Navajo Tribe was not and is not now a member of the National Congress of American Indians, and we don't have that information.

Senator ANDERSON. The largest area, the most populous group with wealth is opposed to what you are asking; is that right?

Mr. RAINER. I am awfully sorry. I didn't understand the question.

Senator ANDERSON. The Navajo Nation is the essentially larger? I think they are 100,000 people, with great wealth and water resources. Why wouldn't they do it? What is their objection to it?

Mr. RAINER. As I understand it, the Navajo Nation has barely enough finances to administer the programs of the Navajo Tribe, and that could be the end result of the financial situation, that many Navajo families are having to be sent to the States of Nevada, Utah, and other States for employment to keep their families together.

Senator ANDERSON. There is the Seargent grant to the Navajo Nation.

Mr. OLD PERSON. I would like to know what relationship this has to 108 and the people that are concerned with 108.

Senator ANDERSON. At one time, the Navajo people had on deposit $60 million.

Mr. OLD PERSON. But what does that have to do with 108, when other Indian tribes are concerned with the 108 resolution dealing with the termination of Indian people?

If the Navajos have all that wealth, the people are concerned, the Indian peoples throughout the country are concerned with this 108 Termination Act. That does not solve the problem. It does not solve the question that is within it with 108 hanging?

Mr. QUINN. My name is Meredith Quinn. I believe the answer we are talking about has no relationship to 108.

Senator BURDICK. Just a minute, you will be sworn as a witness. Identify yourself.

Mr. QUINN. Meredith Quinn. I am Sioux. In referring to what we refer to as the Navajo Tribe and House concurrent resolution are two different factors.

No. 1, the Navajo Tribe charter was written under the Howard-Wheeler Act of 1934. The difference between the growing stronger and more wealthy, as you would assume it is, is only because the Navajos did not enforce the termination move of House Resolution 108.

It suffers tremendously under Public Law 180, but the fact remains that the concentration of the American people in this area where there is such a poverty condition is one factor that has enabled the Navajo to come up, along with the fact that they are the only charter that has a development cost in it.

Senator ANDERSON. What about the Laguna?

Mr. QUINN. I am not asking about the Laguna for the simple reason that the Pueblos had a unique thing under the Treaty of Guadalupe Hidalgo, in which you cannot interfere with the tribe's government.

Thank you, Mr. Chairman.

Senator BURDICK. Do you have any further questions?

Mr. VOCU. Mr. Chairman, if there are no further questions, that completes our presentation.

Senator BURDICK. I have some further questions. Would you like to testify further, first, Mr. Old Person?

Mr. OLD PERSON. I would like to make a further statement here.

As it was brought out with the people that testified to begin with, and then the question also came up as to what positions were made when 108, Resolution 108 was acted upon.

Before it went into effect, what were the positions of the Indian people? I take the statement that was made. I do not think that the Indian people were given the kind of an opportunity to really make a stand against 108 at that time, and I believe, if so, it was done against their wishes, and I believe at the present, we are in a position where we will make a stand, which we are doing so today.

I think we are well aware of what termination is, because of some of the things that have come before us, the people that have experienced termination—we know what termination is and what, with it, there will be. This is one of the reasons that we as leaders try to encourage the Indian people, and I do not think they need to be encouraged too much, because they know that they want to preserve what they have at this time.

This is the only thing that we have, the land that we live on. This is what we want to preserve. We want to keep that one thing that our Government, according to our ancestors, has promised to do with the Indian people to keep our relationship that they would work with us, and I believe that we are considered as one of the minority groups, and as a minority group, we are asking that we be given this chance, this opportunity to preserve, until we are to the point where maybe one of these days we will come and say, "All right, we are ready," but until then, we are making a stand and we are here supporting Senate Concurrent Resolution 26, and we are given this opportunity, and we certainly appreciate this opportunity in making our stand on Concurrent Resolution 26.

Senator STEVENS. Mr. Old Person, I wouldn't want to be, again, improper about trying to correct the record.

Senator Kennedy's Subcommittee on Indian Education published Senate Report 91–501 in 1969, and it has a very fair and short summary, what is called the termination period starting on page 156, and Mr. Chairman, I would ask that this be reprinted in the record.

(The summary referred to is in the appendix.)

This is a very terse statement of the history of the termination period. It points out that starting in 1937, there were six bills introduced in the Congress to limit the Indian Reorganization Act. There was a great conflict from 1937 to 1944 between the Senate and the House committees and the BIA, and there was a select committee in 1944 that endorsed a proposal for termination.

By 1948, the Commissioner was taking action in that regard and then by 1950, Mr. Meyer, who, Senator Kennedy points out, had been in charge of the relocation program in World War II of the Japanese decided that relocation was the thing for the Indian people, and in 1950, he embraced termination and the report says that termination was merely the latest installment in what had always been the dominant policy of the Federal Government, coercive assimilation of the American Indians.

Their goals were to get rid of the Indians and Indian trust lands once and for all by relocating Indians into cities and off reservations.

I don't question your comment that you may not have had sufficient knowledge concerning House Concurrent Resolution 108 itself, but House Concurrent 108 was in itself the termination of a period of over 16 years of concerted effort by Members of Congress to bring about something like that, and as a matter of fact, was recognition of a policy that had already been adopted by the Bureau of Indian Affairs under Dillon Meyers.

I think when you take into account what we are doing, and also the fact that, again, as Senator Kennedy fairly points out, at the time of Secretary Seaton's statement at Flagstaff, and I was there with him, when he said there would be no termination in the future without the consent of a tribe involved, termination has not in fact taken place.

We are trying to turn the table over, but I don't think we ought to look at the concepts of just the repeal of this, and I would urge you as you approach the thing to put this in context of the historical direction that the Government of the United States was on for a period of years, and now we are trying to reverse that direction, and I think we would like to have positive cooperation.

I would like to ask you one particular question, and that is, do you think it is possible to get a definition in this resolution of what is an American Indian?

I am alarmed, for instance, on page 3, it says, "American Indian property will be protected." In other places, it says to bring Indians and Alaskan Natives into the socioeconomic level, and so forth.

There is a reference to American Indians at times, to Alaskan Natives and American Indians at other times, and only Alaskan Natives at other times.

I think we could get a definition to include everyone, and if we can get it, we should get it, one that would include all American Indians. Is that possible?

Mr. DUCHENEAUX. I would like to comment, Senator Stevens. I am inclined to agree with you. There is a lot of ambiguity in the phrases used to designate Indians.

Particularly with the Alaskan land claims bill, I would be inclined to agree with you that perhaps some of the language in the resolution where it does say American Indian property would be protected, perhaps this could be interpreted to not include the Alaskan Native, which it should do.

I would hope that perhaps we could arrive at some definition. I think in the past, the word "Indian" has in most cases been interpreted to mean Indians and the Alaskan Natives, but it is somewhat ambiguous.

Senator STEVENS. It is not, you know, just a passing thing. I am looking at something that came out from the census. The census people have just announced the census of American Indian population, and I was quite interested, because I noticed that they have got Alaska, 16,276 people.

We know we have over 50,000 Alaskan Native peoples. We asked them, and they said, "Well, you know, they have never been quite all included together in Indians," it says "Indians and Alaskan Natives."

This leaves an improper impression upon a lot of people in the Government that Eskimo people or Aleut people are not of Indian descent. I think if we are going to pass a resolution such as 26, it ought to be all inclusive so that there won't be any disagreement.

I also call to your attention that some of the settlement bills deals with Indians who are one-eighth lineal descent. Some feel that one-quarter is proper. I should think we should address the total problem of setting some standards in Senate Concurrent Resolution 26 as we turn around this redirection and define the Federal relationship to these people.

Is that possible?

Mr. DUCHENEAUX. Senator, I think for some purposes the Federal Government might set a quantum standard for services, but I would not want to see the right of the tribes to set their own membership requirements—and it varies from tribe to tribe—some tribes have a blood requirement and others do not.

As you know, even though it is not written into the law, the Bureau of Indian Affairs says that certain of its services shall be limited to persons of one-fourth. This has come under heavy attack from both sides.

Some say it should be lower, and some higher.

Senator STEVENS. As we go into a new period where we say more and more Federal services are going to be available to restore the situation that we all admit has been very terrible, do not you think we ought to take it upon ourselves to find whom we are talking about, or should we continue with a period of no one really knowing who we are talking about?

I think one of the most important things in this resolution should be a definition of who is entitled to these services in the future.

Mr. VOCU. Senator, I would hope not to sound facetious, but in dealing with chicanos, or the black people, I have never heard the question of what degree of blood are you, or "Are you colored, do you belong to that race, or do you belong to the chicano race?"

It sort of bothers me that Indian people must be subjected to the question of your degree of blood.

To me, an American Indian is that Indian who is recognized by his community as a member.

Senator STEVENS. I appreciate your comment. I think you have a good point, but on the other hand, we are heading into some legalistic areas here, and particularly this new resolution defines some of those areas, which are going to lead to some real controversy.

The difference between your situation and the chicano or the black American is that to my knowledge the law already defines their descent situation by virtue of letting their own people decide.

If you have a lineal descent, that is a legal inheritance concept and not a collective inheritance concept, that is involved in many of the tribes.

I know of no other group of Americans where the Congress has recognized a collective group of inheritance in the past. We have done it in the past for the American Indian, and we are in effect directing again that American Indian property will be protected.

This talks about bringing services and programs to Indians and Alaskan Natives. Specific assistance from the Federal Government is

what that means. I do not think we can go into this period and leave it for each community to define who is eligible for these services.

Mr. QUINN. Another clarification, Mr. Chairman?

Senator BURDICK. Just a minute. You will be able to testify in order; not now, but later.

Mr. QUINN. A clarification needs to be made here.

Senator BURDICK. You will be called as a witness.

Mr. QUINN. Point of order. Is it proper for an Indian here to clarify mistakes?

Senator BURDICK. In due time, certainly.

Mr. DUCHENEAUX. Could you repeat the question?

Senator STEVENS. I take it that you gentlemen do not believe that it should be done; as opposed to you who do not believe it could be done. Is that right?

Mr. DUCHENEAUX. Senator, I think you are getting at two ends of the question. I do not believe, and I do not believe many of the witnesses here believe that Congress should take any steps to regulate the question of who shall be a member of the Indian tribes.

Many tribes are now setting blood requirements themselves, and more restrictive requirements, but that is self-determination.

The other question, I think, you are getting at is distribution of awards.

When a judgement is awarded by the Court of Claims to the Indian tribe, as it was constituted in the 1850's, and that tribe is no longer now in existence, it has to go to those people who can prove they are descendents of that tribe back in 1850.

But if you have a current entity that exists that can trace its history back to the ancient times, then that award can be made to that tribe.

Senator STEVENS. I appreciate that point, but again, I go back to paragraph 4, which says that the executive branch of the Government shall be charged with developing programs, and so forth.

We have to come up with new programs in effect, it says, to assure that these people receive the services and attentions that are commensurate with their social and economic needs.

I agree with that, but the real question is, if they are not presently receiving assistance from the BIA, there are problems about who is entitled to the services. I think we are going to have to find ways of determining who are the eligible people. Particularly this is the extreme rural area, and they are talking primarily about our people in Alaska, and I am glad to see that and support it, but I think you have to help us find who we are talking about.

Mr. DUCHENEAUX. You are talking about the problem that develops when an Indian leaves the reservation and goes to an area where the BIA services are not available or will not be made available.

Senator STEVENS. That is right.

That paragraph, as I understand it, does not cover those people, because these are residing in areas considered to be beyond the scope of the present BIA services.

Mr. DUCHENEAUX. Though these people may physically sever their relationship with that tribe, they are still members of the tribe.

I am not on the Cheyenne River Reservation in South Dakota, and I cannot avail myself of the BIA services offered but I am still

a member of the tribe, and if you had to have some kind of criteria, that would be one.

I recognize the one.

Senator STEVENS. You just said some one is recognized as an Indian in his community. I know a gentleman who has been residing in Washington for 25 years and is serving the Indians in his community, and he is more than one-quarter blood as far as Indians are concerned.

That is not a sufficient determinant when you are dealing with people who are not in an Indian community

Mr. DUCHENEAUX. I think I agree with that. But many members living away from the reservation are members of a tribe. That could be one criterion. It would be difficult to set standards for other persons who perhaps are not.

Senator STEVENS. I think your group ought to have the expertise to give us the guidance in determining who will be eligible for these services beyond Indian communities that are not presently eligible under present BIA policies, and I think we ought to recognize that that paragraph takes us far beyond the BIA entitlement.

We are going into a new area, and I think we should have new guidance.

Mr. DUCHENEAUX. If I could make one more comment, Senator, I think what that paragraph is getting at, and I will give an example: BIA Indian Health Services are not available in the city of Los Angeles. Yet, there are thousands of Indians in that area, some of whom may be members of tribes and some of whom may not be. But they have a problem that could be gotten at by the existing programs in HEW and HUD.

The purpose of that, I think, was to attempt to insure that these services are made available to the Indians in the urban community.

Senator STEVENS. It also applies to my extreme rural areas, too. I urge you to take a look at it and see if we can't come up with something to define a role of where we are going.

I really think the committee needs your guidance in that regard.

Thank you, Mr. Chairman.

Senator BURDICK. Senator Gravel?

Senator GRAVEL. No questions, Mr. Chairman.

Senator BURDICK. Thank you for your contribution this morning, gentlemen.

Mr. OLD PERSON. I thank you for this opportunity, and I hope we have expressed ourselves well.

Senator BURDICK. Just a minute. Senator Anderson has another question.

Senator ANDERSON. Do you know of any oil leases that the Navajos may be interested in?

Mr. RAINER. I believe the Navajo Nation advertises oil leases periodically, but it doesn't mean that they are getting rich from the leases to a point of wanting to be terminated.

Senator ANDERSON. The Navajo Tribe, I think, is very solvent. They have people who lease oil from time to time, have oil leases from time to time. Seventy-five percent of the oil leases are from the Navajo Tribe. It is evidence of good business.

The Indians have been very well treated by some people and very poorly treated by others.

Senator BURDICK. The staff has called my attention to one part of your testimony, Mr. Vocu, the next to the last paragraph in your prepared statement.

I am quoting from the last sentence near the bottom of the paragraph, "In this regard, we concur with the proposed substitute resolution offered by the administration in their report on Senate Concurrent Resolution 26."

We haven't received the report yet. We are waiting for it.

Mr. DUCHENEAUX. I saw a copy of their proposed report and I assumed it would be up here.

Senator BURDICK. You are doing better than we are.

Then the statement consists of what you have seen in the report.

Mr. DUCHENEAUX. The report may have been changed.

Senator BURDICK. I am glad someone saw it this morning.

Thank you very much.

Mr. OLD PERSON. I wanted to ask: We had some people here that were asking to testify. Do they have a chance of testifying?

Senator BURDICK. Oh, certainly.

You will be called in order. Apparently you have rebuttal, so maybe you will be called in order. You will be given a chance to make all the clarifications you want.

The next witness on the list is Mr. Vine Deliria, Jr. Is he present?

The next will be a California panel, George Effman, executive director of the California Intertribal Council, Sacramento, Calif.; David Risling, president, California Rural Indian Legal Services, Berkeley; and H. D. Timm Williams, president, California Rural Indian Health Board, Berkeley, Calif.; and Lee Sclar, CILS counsel.

I might say for the balance of the witnesses that this will be the last panel we will have before lunch. We will reconvene at 2 o'clock and we will continue until the other scheduled witnesses have been heard.

Proceed.

STATEMENTS OF GEORGE EFFMAN, EXECUTIVE DIRECTOR, CALIFORNIA INTERTRIBAL COUNCIL, SACRAMENTO, CALIF.; DAVID RISLING, PRESIDENT, CALIFORNIA RURAL INDIAN LEGAL SERVICES, BERKELEY, CALIF.; H. D. TIMM WILLIAMS, PRESIDENT, CALIFORNIA RURAL INDIAN HEALTH BOARD, BERKELEY, CALIF.; AND LEE SCLAR, CILS COUNSEL

Senator BURDICK. Identify yourself, please.

Mr. EFFMAN. My name is George Effman, Senator Burdick. I will read my statement.

Honorable Henry M. Jackson, members of the Senate Interior and Insular Affairs Committee, greetings.

My name is George Effman. I am a Karok-Klamath Indian of California, serving as the executive director of Intertribal Council of California.

Intertribal Council of California is an organization composed of reservations, rancherias, and Indian organizations. The total membership of Intertribal Council of California includes 36 reservations and rancherias, and 30 rural and urban Indian organizations.

We at Intertribal Council of California welcome this opportunity to speak before the Senate Interior and Insular Affairs Committee regarding Senate Concurrent Resolution 26.

I have copies in the back. I will not read the resolutions.

Senator BURDICK. The resolutions will be made part of the record.

(The resolutions follow:)

CALIFORNIA INDIANS—SENATE JOINT RESOLUTION NO. 3

Whereas, The Indians of California have been excluded from various federal programs and services available to all other Indians of the United States; and

Whereas, The Legislature of the State of California in 1953 adopted Assembly Joint Resolution No. 38 and is now clarifying its position with respect to the full participation of California Indians in all federal programs and services available to Indians of the United States; and

Whereas, For many years the State of California received three hundred eighteen thousand five hundred dollars ($318,500) as its share of federal moneys allocated to Indian education under the "Johnson-O'Malley Act"; and

Whereas, Congress, in the late 1950's, increased federal programs and resources for Indian education; and

Whereas, California Indians were precluded from sharing in the increased federal moneys expended for Indian education under the "Johnson-O'Malley" program nor have they, in fact, received any aid under such program since 1958; and

Whereas, Congress appropriated for the 1967–1968 fiscal year nine million five hundred thousand dollars ($9,500,000) for "Johnson-O'Malley" programs, over one million dollars ($1,000,000) of which would have been received by the State of California had it retained its previous percentage share of such funds; and

Whereas, There is an actual demonstrated need for the reactivation of the "Johnson-O'Malley" program in California, as evidenced by the fact that the State of California has not enacted adequate programs to meet Indian needs and by the 1966 Report of the California State Advisory Commission on Indian Affairs which documents the appallingly high dropout rate for Indian students; and

Whereas, Federal funds received by school districts in California under Public Law 81–874 (which authorizes supplemental payments to school districts receiving school children from nearby federal facilities) is not an adequate substitute for "Johnson-O'Malley" funds because: (1) funds received pursuant to Public Law 81–874 become part of the local school district's general fund and are not earmarked for special Indian programs; and (2) funds received pursuant to Public Law 81–874 are tied to Indians in federally impacted areas and thus do not benefit rural Indians; and

Whereas, There are many California Indian children who might benefit from schools for Indians and who might qualify under the admission criteria promulgated by the Bureau of Indian Affairs; and

Whereas, In 1955, responsibility for Indian health passed from the Bureau of Indian Affairs to the Public Health Service, Department of Health, Education, and Welfare; and

Whereas, The Public Health Service succeeded to, and continued, the policy of withdrawal embarked upon by the Bureau of Indian Affairs, and Public Health Service medical services programs were phased out in the 1950's; and

Whereas, Although the Public Health Service still administers a health and sanitation program for California Indians, it recognizes that unmet medical needs exist among the rural California Indians; and

Whereas, While the California State Department of Public Health recently received a United States Public Health Service contract grant to develop a pilot Indian health aid training program, medical "outreach" programs are urgently required for the California Indians; and

Whereas, Under Public Law 84–959, the Bureau of Indian Affairs operates a vocational training and relocation program for Indians in California, however, the funds received under such program primarily benefit out-of-state Indians whom the Bureau is relocating and training for jobs in California; and

Whereas, Under Public Law 84–959, eligibility is limited to those residing "on or near" reservations, and many California Indians, in need of vocational training services, are nonreservation and are thus ineligible for training; and

Whereas, Eligibility requirements under Public Law 84–959 achieve substantial fairness in other states which have large reservations: Now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to provide for the full financial participation by California Indians in all federal programs, to require that all schools for Indians be made available to California Indians, that "outreach" medical services programs be provided for the California Indians, that Public Law 84–959 be amended to remove the requirement of living "on or near" a reservation, and thereby make available federal vocational training services to all California Indians, and to reinstitute and expand the "Johnson-O'Malley" contract funds for the education of California Indians; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Health, Education, and Welfare, and to the Director of the Bureau of Indian Affairs.

SENATE JOINT RESOLUTION NO. 32

Whereas, The Indians of California are virtually excluded from participation in various federal programs and services that are available to other Indians of the United States; and

Whereas, The Legislature of the State of California in 1968 adopted Senate Joint Resolution No. 3 requesting full participation of California Indians in all federal programs and services available to Indians of the United States; and

Whereas, The Congress of the United States in 1953 adopted House Concurrent Resolution No. 108, which became the basis for termination legislation and which expressed a sense of Congress that was imposed upon the Indian people; and

Whereas, Some terminated Indian groups and other California Indians wish to reestablish their trust relationship with the federal government; and

Whereas, The termination policy of House Concurrent Resolution No. 108 has since been abandoned by Congress in favor of the Indian consent policy expressed in revisions to Public Law 280 and Public Law 85–671; and

Whereas, House Concurrent Resolution No. 108 is still interpreted as the guiding policy by some federal agencies and officers in regard to services and programs for California Indians; and

Whereas, Many California tribal groups and Indian organizations regard various federal programs and services as a valuable resource that should be available to them; and

Whereas, The various federal agencies administering Indian programs for Indians of California should be able to operate their programs in a flexible manner in order to provide a sustained, positive and dynamic Indian policy with the necessary constructive programs and services needed by California Indians; and

Whereas, House Concurrent Resolution No. 245 which has been introduced in the Congress of the United States states a new national Indian policy that more clearly expresses the will of the California Indian people; and

Whereas, The sense of House Concurrent Resolution No. 245 should be applicable to the Indians of California especially since California is emerging as the state with the largest Indian population: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to establish a policy that insures that California Indians are included to the fullest extent in various federal programs and services that are available to other Indians of the United States; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Commissioner of Indian Affairs, to the Secretary of Health, Education, and Welfare, to the Director of the Division of Indian Health of the United States Public Health Service, to each member of the National Council on Indian Opportunity, to the Speaker of the House of Representatives, to each Senator and Representative from California, in the Congress of the United States, and to the chairmen of the committees of the United States Congress dealing with the subject of this resolution.

ASSEMBLY JOINT RESOLUTION No. 38

Whereas, American Indians, who are citizens of the United States of America, generally remain subject to numerous restrictions on their activities, particularly with respect to land transactions, promulgated and enforced by the Bureau of Indian Affairs; and

Whereas, The Bureau of Indian Affairs has outlived its usefulness, though its employees, understandably alarmed by the prospect of unemployment, regularly engage in strenuous efforts for self-perpetuation in office; and

Whereas, The State of California is able to provide for the well-being of American Indians, as it does for other citizens, by laws of general applicability: Now therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to take such steps as are necessary to effect a termination of the authority of the Bureau of Indian Affairs, particularly in the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

Mr. EFFMAN. In 1953, the California State Legislature memorialized Congress to abolish the authority of the Bureau of Indian Affairs in California (Assembly Joint Resolution 38, 1953).

The 83d Congress' adoption of House Concurrent Resolution 108 which declared it to be the sense of Congress that, at the earliest possible time, all of the Indian tribes and individual members within the State of California, "should be freed from all disabilities and limitations specially applicable to Indians," has in effect contributed to the decline of the socioeconomic status of the Indians living on the rancherias and reservations in California.

Federal services to Indians which were in effect in California at the beginning of the termination process, as reported by the State Advisory Commission on Indian Affairs, fell into three classes:

(1) Direct services such as the following were available to individual Indians, bands and groups of Indians: (a) education, (b) medical services and hospitalization through contracts with counties and Indian Bureau hospitals, (c) law enforcement, and (d) relief (partial).

(2) Expenditures for the development, protection, and effective use of the remaining Indian resources held in trust and maintaining records of accountability for individual Indian moneys: Use, development, and protection of Indian resources, especially land and water, and agricultural extension and credit; land and leasing work; protection and management of forest and range lands; operation and construction of irrigation and domestic water systems; and soil and moisture conservation, road construction and maintenance; and maintaining accountability records for individual Indian moneys.

(3) Administration, budgetary accounting, and reporting.

In 1954, the California Legislature, realizing that the premature withdrawal of Federal services for Indians was creating undue hardships on the California Indian population, passed Senate Concurrent Resolution 4 asking that the Federal control and protection for American Indians in California be continued.

Furthermore, the California Legislature in this resolution stated that they, "were not prepared to take over control and protection of the Indians within its boundaries." This position was further amplified in 1968 by the passage of Senate Joint Resolution 3 and in 1969, by

Senate Joint Resolution 32, both of which pleaded for full participation in Federal Services, by California Indians.

As a result of the termination policy, services were discontinued for California Indians and several rancherias were actually terminated. For example, Table Bluff Rancheria in northern California was terminated without adequate preparations from the Bureau of Indian Affairs. Presently, the housing, sewer, and water systems are condemned by the Humboldt County Public Health Service.

Other services were denied to individual Indians due to the terminated status of their parents, many times without prior knowledge or approval.

In the absences of Federal services, California Indians have attempted to overcome the obstacle presented by the policy of House Concurrent Resolution 108.

An association of nine rural project areas was formed to investigate the health problems confronting the Indians and to prove the Indians ability to administer and manage a health program. These projects were successful in providing paraprofessional health services to rural Indian people and demonstrated the need for improved services.

Intertribal council, working in the field of community and economic development has initiated various programs on the reservations. For example, six Indian campgrounds are being constructed on reservations which will serve as a nucleus of a campground chain which can be utilized on a nationwide basis.

California Indian Legal Services, has provided invaluable legal services for Indian organizations and tribes.

However, the services provided by these organizations, have not been adequate to serve the needs of the California Indians.

We support the passage of Senate Concurrent Resolution 26, in hope that its repudiation of the policy set forth in House Concurrent Resolution 108 will return Federal services that have been denied since 1953. Our support of Senate Concurrent Resolution 26 carries with it the following recommendations:

1. To clarify the position of California rancherias, we urge the inclusion of the word "rancherias" be included in the jurisdiction covered by the resolution.

2. In item six, we request that the annual report to the Congress include expenditures for individual States.

3. We support recommendation of the California Rural Indian Health Board.

We also support the recommendation of the California Indian Legal Services.

Senator BURDICK. Does any other member of the panel have a statement?

Mr. WILLIAMS. My name is H. D. Williams and I am the Chairman of the California Rural Indian Health Board.

I don't have a prepared statement. I would like to make that statement, but I do have a prepared resolution which I will give to the committee.

Senator BURDICK. The resolution will be made a part of the record, without objection.

Mr. WILLIAMS. As chairman of the California Rural Indian Health Board, of which I have been in my second term now as the chairman

of that board, I have witnessed the termination policies that have been handed to California, and the various rancherias and the portions of small reservations that have been terminated in the State of California under the Concurrent Resolution 108, the suffering that has gone on in this area has been most devastating, devastating to the point that is is hard to believe that a person could live under those kinds of conditions and still exist.

The Indians in Californa, I feel, were not truly represented at the time the termination act was passed, and California has always set aside from other reservations because of the fact that the Federal Government has always claimed that the 18 treaties that were made with the Indians in California were never ratified and therefore the Federal Government owes no obligation to these Indians.

However, it must be realized that these Indians were placed upon reservations even though the treaties were never ratified by military law and military forces, and were forced to live on those reservations in the early days.

However, they have the right to leave the reservation if they so want to do today.

Now the housing, the water standards, sanitation, the legal representation has been shuffled back and forth to termination Indians to reservation Indians to the Federal Government, the BIA, to State and local officials, to local county officials, and the Indian has had to live in California under Federal, State and local county law, under ordinances provided by these three different governments.

The Indian has been tossed back and forth though the termination act to the total confusion of officials, whether it be Federal, State or local, to the point that they themselves do not know how to administer to the Indian.

It is my feeling as chairman of this board, and from witnessing the health problems in California that some new policy from the Federal level has to be handed down coming forward recognizing the plight of the Indian, recognizing his status in this Government, where he stands today, and what he is, and determining who is who, is officially in charge, whether it is going to be the U.S. Government, whether it is going to be the State government, whether it is going to be the local county governments, or who is taking charge of the Indian.

The Indian has been treated under special programs and special treatments for such a great length of time that it now takes special treatment to bring the Indian out from under the special treatment from which he has been in, so that there is some understanding of what we are talking about.

The Indian no longer relates to himself as an Indian. He wants to, and that is the only thing that keeps him alive, that hope that some day he will be recognized as that Indian. We no longer wear our clothes, we no longer sing our songs, we no longer dance in our religious rites, we no longer play our games, we no longer live in our houses, we no longer practice the religions and traditions of our people, and the Indian has conceded every point possible to a dominant society, and I think it is about time that people realized that he is a human being, that he makes love, that he sings, that he dances, that he tells jokes, that he cries when there is sadness, that he has a

government, that he had a religion, that he wore clothes, he had moral values, and all of these things we ask to be considered.

That he had legal statutes within his tribe or reservation areas that had to be dealt with.

(The resolution referred to by Mr. Williams follows:)

RESOLUTION—CALIFORNIA RURAL INDIAN HEALTH BOARD

A resolution relating to Senate Concurrent Resolution 26 as contained in the Congressional Record of May 14, 1971, Vol. 117, No. 71, pertaining more specifically to "national American Indian and Alaska Native policy".

Whereas, the California Rural Indian Health Board is composed of Indians residing in California and is recognized by Federal and State authorities as the official health agency for rural California Indians, and

Whereas, this Board has formally expressed an active commitment to the continued participation and control by Indians in all programs relating to the needs of Indians in California and other states where ever matters of national policy have a bearing upon such programs, and

Whereas, CRIHB has observed in the course its activities related to landed Indians in California that the lingering threat of termination which evolved from the adoption of HCR 108 in the First Session of the 83rd Congress has created serious concerns on Indian Reservations relative to abandonment of Federal trusteeship, and

Whereas, the emotional complications of the continuing threat of termination has stagnated and retarded maximum progress in the orderly development of these Indian communities, and

Whereas, the consistency of the threat challenges the last vestige of trival identity through the inevitable loss of remaining land bases, and

Whereas, the resulting normal, defensive, negative reaction to develop educationally, economically and socially at the unconscionable price of forever relinquishing identity should not be a criterion for development, either implied or real, and

Whereas, Senate Concurrent Resolution 26 as introduced by the Honorable Henry M. Jackson, U.S. Senator, would officially erase the threat imposed by HCR 108 and thereby provide a favorable climate for more progressive and orderly development in Indian communities, and

Whereas, Senate Concurrent Resolution 26 would by congressional intent show a more complete understanding of the adverse affect of termination upon the life style of Indians and Alaskan Natives and their desire for complete control of their destiny, and

Whereas, the provisions of item (4) of Senate Concurrent Resolution 26, appear to be inconsistent with federal policies related to Indians and Alaskan Native peoples who are land based, and are divisive to current convenants with said people, and

Whereas, more specifically, the effect of Item 4 referred to above will be that landed and nonlanded Indians and Alaskan natives will be competing for existing financial resources because SCR 26 does not provide supplemental funding for programs for nonlanded Indians and Alaskan native people: Now, therefore, be it

Resolved by the California Rural Indian Health Board, That Senate Concurrent Resolution 26 be amended to read in item (4) the executive branch of Government shall be charged with the responsibility of developing program efforts and procedures in addition to an consistent with those planned, proposed or currently provided for land based Indians and Alaskan Native peoples for peoples of similar ancestral background residing in areas considered to be beyond the scope of the direct Federal Indian service programs of the Bureau of Indian Affairs and the Indian Health Service, and that they receive supplemental support for services and attention that are commensurate with their diverse social and economic needs; and be it further

Resolved, That if SCR 26 is amended to include the specific intent of the above paragraph and is also amended to take account of the recommendations in the California Indian Legal Services analysis, then CRIHB would fully support any such resulting resolution of the Congress.

Resolution adopted July 11, 1971.

H. D. TIMM WILLIAMS, *Chairman.*

The CHAIRMAN. Mr. Risling.

Mr. RISLING. My name is David Risling. I am a member of the all Indian directorship. I am chairman of the board for Deganawidah Quetzalcoatl, the only Indian-Chicano university in the world, and I am chairman of the board of trustees of the California Indian Legal Services, whose board has approximately two-thirds Indians who have been elected by their tribes or organizations or communities and one-third lawyers who have been elected by the Indian members of the board.

While my testimony regarding Senate Concurrent Resolution 26 has been prepared by the California Indian Legal Services, it is a joint statement of the Intertribal Council of California, the California Rural Indian Health Board, and the California Indian Legal Services.

Yor will find my statement on page 2 of the material passed out to you.

The outlook of this bill is similar to that of House Concurrent Resolution 95. If Senate Concurrent Resolution 26 is passed, Congress would not only repudiate House Concurrent Resolution 108, but also acknowledge a special ongoing responsibility to Indians and Alaska Natives. This resolution would also direct the executive branch to make yearly reports on expenditures for Indians, a highly desirable objective.

Senate Concurrent Resolution 26 has a number of serious shortcomings, however. First, it would make no provision for those Indians who now suffer because of termination.

Second, it would place the special relation between Indians and the Government solely on the ground of treaties, statutes, and Executive orders. This would wrongly ignore special relationships based upon agreements, judicial decisions, or a history of dealings in which the Government has often taken advantage of Indians and Alaska Natives.

Third, and this failing results from the one just discussed, Senate Concurrent Resolution 26 would have Congress recognize special responsibilities only to "Indian and Alaska Native peoples residing on reservations and in other traditional trust areas." Other Indians—those who never received reservations, those whom the BIA relocated or encouraged to move to urban areas, and those who have been the victims of termination—would be "beyond the scope of the direct Federal Indian service programs of the Bureau of Indian Affairs and the Indian Health Service." Nonreservation Indians would "receive services and attention that are commensurate with their diverse social and economic needs"; in other words, they would be treated only as poor people, not as Indians.

Congress should not adopt such a policy. Nonreservation rural and urban Indians are as much Indians as are reservation Indians. That they do not live on reservations is largely the responsibility of the Federal Government, especially the BIA. A majority of California's Indians never received the trust lands promised by the Government. This makes their needs and the Government's obligation to them as Indians greater not less than the needs of those Indians who did receive reservations.

They need trust land as well as scholarships, vocational education, health care, and loans. Rather than excluding all but reservation Indians from BIA and IHS services, Congress should adopt as its

policy that all Alaska Natives and Indians are eligible for BIA and IHS benefits and services.

Fourth, Senate Concurrent Resolution 26 would supposedly replace and repeal the policy of House Concurrent Resolution 108; but as explained previously, that policy died with the 83d Congress.

House Concurrent Resolution 26 should therefore repudiate rather than repeal House Concurrent Resolution 108.

The intent of the third phrase of the fifth numbered paragraph is unclear. It reads, "Congress will commit and dedicate itself to * * * bring(ing) Indians and Alaska Natives to a social and economic level of full participating citizens."

While raising the Indian standard of living is a desirable goal, that should not be used as a justification for doing away with tax exemptions or self-governing reservations. The language "full participating citizens" clearly indicates a threat of the latter.

Finally, the provision for annual reports on Indian expenditures should be amended so that the reports would show the amount expended by each department and agency in each State rather than showing "combined expenditures". Also, such reports would be most useful if they showed which expenditures were for special Indian programs as well as for the "betterment of Indians."

For instance, Indians derive some benefit from title I of the Elementary and Secondary Education Act because most Indians are educationally disadvantaged; but few ESEA title I programs are designed to meet special Indian educational needs.

Our California Indian Organizations support Senate Concurrent Resolution 26. We, speaking specifically for California Indian Education at this time, we of the California Indian Legal Services—I am sorry I said "education"—believe the following draft bill on National Indian Policy could be a much better bill than Senate Concurrent Resolution 26, and you will find this in your packet there.

CIL Draft Bill on National Indian Policy

Whereas, American Indians and Alaska Natives are in a unique legal, social' and economic relationship with the Federal Government and the States, which relationship is based upon treaties, statutes, executive orders, agreements, judicial decisions, and history; and

Whereas, this unique relationship is the basis for the continuing legal and moral obligations of the United States as a trustee to American Indians and Alaska Natives, requiring the highest degree of loyalty, care, skill, and diligence by the United States in the protection and management of Indian and Alaska Native lands, resources,' and other rights; and

Whereas, this unique relationship is also the basis for the Federal responsibility to provide American Indians and Alaska Natives with education, health, housing, welfare, and other benefits, programs and services; and

Whereas, the eradication of adverse educational, health, housing, social and economic conditions which prevent American Indians and Alaska Natives from achieving a decent standard of living and self-sufficiency is a high priority national goal; and

Whereas, as citizens of the United States and the States in which they reside Indians and Alaska Natives are entitled to share and participate on the same basis as all other citizens in the full range of education, health, housing, social and economic development programs authorized by Federal, State, and local unites of Government, and

Whereas, H. Con. Res. 108 of the 83rd Congress declared a congressiona policy to disavow and terminate the responsibilities of the United States to American Indians and Alaska Natives; and

Whereas, the termination policy declared in H. Con. Res. 108 has had adverse consequences for many tribal communities and individuals; and

Whereas, the termination policy declared in H. Con. Res. 108 has created among American Indians and Alaska Natives apprehension that the United States may not in the future honor its obligations and uncertainty as to the survival of Indian and Native Alaskan tribal communities, even though H. Con. Res. 108 did and by law could represent the policy of only the 83rd Congress; and

Whereas, the apprehension and uncertainty created by the termination policy declared in H. Con. Res. 108 has limited the ability and motivation of Indian tribes and Alaska Natives to fully develop the human and economic potential of their communities in accordance with their cultural values; and

Whereas, the termination policy of the 83rd Congress declared in H. Con. Res. 108 has been strongly opposed by numerous Indian and Native Alaska tribal councils, organizations and individuals; and

Whereas, President Nixon in his Indian Affairs Message to Congress of July 8, 1970, rejected termination as a policy of the Executive Branch; and

Whereas, hundreds of thousands of Indians and Alaska Natives live in cities, many as the result of Bureau of Indian Affairs programs;

Now, therefore, be it resolved by the Senate (the House of Representatives concurring), that it is sense of Congress that:

(1) The policy declared in H. Con. Res. 108, 83rd Congress, does not represent and is repudiated as a policy of Congress;

(2) Termination of Indian reservations of their powers of self-government is not a congressional objective;

(3) Termination of obligations which the United States has to American Indians and Alaska Natives, and of special services, programs and benefits available to them, is not a congressional objective;

(4) American Indians who have been terminated should be enabled to undo termination and its effects to the greatest possible extent: and to that end, Indians who wish to unterminate and such Indians' property will be treated as if not terminated, their lost lands will be reacquired or replaced, their retained lands will be consolidated with adjoining lost lands, and their reservations and tribal governments will be re-established;

(5) Our national Indian policy shall give full recognition to and be based upon the unique relationship that exists between the Federal Government and Alaska Natives and American Indians, whatever states they live in and wherever in such states they live;

(6) The integrity and right to continued existence of Indian tribal and Alaska Native Governments are expressly confirmed;

(7) Indian culture and identity will be respected;

(8) The United States shall exercise the highest degree of loyalty, care, skill and diligence, as a trustee, in the protection and management of Indian and Alaska Native lands, resources, and other property rights;

(9) Improvement of the quality and quantity of social and economic development efforts for Indians and Native Alaskans and Maximization of opportunities for Indian and Alaska native control and self-determination shall be major objectives of national policy;

(10) The United States shall fully honor its obligations to Indians and Alaska Natives, including, but not limited to, responsibilities for their health, education and welfare, and those responsibilities will be performed with the highest degree of loyalty, care, skill, and diligence;

(11) American Indian and Native Alaska tribes, groups, communities, organizations and individuals are encouraged but shall not be required to undertake the management and administration, in whole or in part, of Indian programs and services now administered by the Federal Government, its agencies and grantees, with the assurance by the United States that the funds necessary to maintain those programs and services will be appropriated without prejudice by Congress because of such assumption of administration and management.

(12) The Federal Government, its agencies and grantees shall respond to any Indian initiatives undertaken pursuant to section (11) above and use all available powers to contract, delegate, and otherwise transfer the management and administration of such programs and services or parts thereof to the fullest extent consistent with Indian and Native Alaska wishes and the trust responsibility;

(13) Assumption of the management and administration of programs and services or parts thereof, as described above shall occur at such times as may be requested by Indians and Alaska Natives;

(14) The Federal Government, its agencies, and grantees, from which program management or administration is assumed shall provide technical assitance and training to assist in the assumption of such management and administrative responsibilities;

(15) The Federal Government, its agencies and grantees, from which program management or administration is assumed shall accept retrocession of such management or administration from any Indian or Alaska Native tribe, group, community, organization or individual requesting retrocession, without prejudice to its of his right to again assume management or administration;

(16) The Office of Management and Budget shall submit to the Congress an annual report showing the expenditures made by each Department, agency and grantee of the Federal Government in each state for the benfit of American Indians and Alaska Natives. Such reports shall show the specific amounts of expenditures, the purposes for which they were made, how many Indians benefited, how the number of intended and actual beneficiaries was ascertained, and which expenditures were for services, benefits and programs designed especially for Indians or Alaska Natives; and

(17) The Bureau of Indian Affairs, the Indian Health Service, and other Federal agencies shall devise and adequately fund special programs to meet the unique needs of urban Indians and urban Native Alaskans.

WE of the California Legal Services prepared this draft bill to you for your consideration, and thank you very much for your patience and cooperation.

Senator BURDICK. Thank you.

Did the other member of the panel wish to speak?

Mr. SCLAR. Senator Burdick, my name is Lee Sclar, and I am an attorney with California legal services. I am just here as counsel.

Senator BURDICK. Senator Stevens?

Senator STEVENS. I want to go back to the point where I inserted things in the record previously and put in Senate Report 794 which occurred to House Resolution 108 as it came to the Senate.

The Library of Congress tells me House Concurrent Resolution 108 was adopted by voice vote in both the House and the Senate.

I would like to ask you gentlemen one thing: I agree with the direction of Senate Concurrent Resolution 26, and from the time I was with Fred Seaton, I have. But I also remember the days of the demands of the Caliente and Palm Springs Indians and their demands for termination.

Are you telling us that if a group such as that appears before the Congress and asks petition with a complete majority behind them, or termination of the Federal Trust, that the Federal Trust should go on forever without regard to the wishes of the beneficiaries?

Is that really your position?

Mr. WILLIAMS. Could I answer that on behalf of the California Rural Indian Health Board?

I think that if you were to consider Indian feelings and Indian communities as you consider other communities within the boundaries of the United States, that Indian communities who want to terminate should be given the privilege.

If it was from the majority of the Indian community, that is. But to make sure that you deal with the majority of that Indian community, and that you are not dealing with a representation here at this level, and the one thing that I think California Indians have suffered from mostly is that when representatives come from Washington, D.C., out there to talk to the Indians, we talk to a man and we are given 15 minutes to spell out 100 years of debts owed to us, and to relate to these things within 15 minutes time, because this is all the time that the guy from Washington has to hear us, and many of these Indians in many cases have never been able to financially

appear, although they object in majority to what has been handed down at the Washington level.

For that reason, I would suggest that either a delegation from your committee be sent to California and the Indians be given ample time in that area to hear, and that consideration, also must be given relationship to the Palm Springs Indians, where it is my understanding that each Indian in that area has something of a net value of better than $300,000 per Indian, that this is an unusual tribe in the United States, and I am sure that most of you would have to admit that, and that all of us are not that affluent that we could determine our own rights through a financial background they have.

Senator STEVENS. I appreciate that. I just wanted to make sure the record was clear where there was a majority support, and I agree with you. The House Committee was chaired by now Senator Metcalf, who was in the House. They did go to California to hold hearings at the time of the Caliente petition.

If we are approached by a petition which is bona fide and has the support of the people and the people want termination, you would agree that we should hear their petition as well as hearing the petitions of those who are opposed?

Mr. WILLIAMS. That is right. Before I sign off on that and give the other members of the panel a chance to answer, I would like to state that I am also the leading spokeman of the Hoopa Tribe in California on the Valley Reservation.

We represent some 3,600 members in that tribal organization. My recollection of that tribe, and I can't speak for other tribes, but that tribe itself voted against termination.

I have been a long advocate of opposing termination under the considerations and dealings that they have handed down to Indians and the representations that the Indian has had in testifying before those hearings.

Senator STEVENS. It could be worse, you know. Some of my Alaskan Native people haven't had a beginning.

Mr. RISLING. Mr. Chairman, I would like to respond to that question, also.

We feel that any group should have the right for self-determination. However, because the past history, and not understanding the ramifications of what termination really means, and I assume you are going to hear more of it when the Menominees speak this afternoon, that some kinds of restrictions may be put on, for example, a two-thirds vote.

Because once the thing goes through, you almost have to have 100-percent objection by the people who suffer, and then maybe somebody will listen.

That is because things are pretty one sided in the Indian community. That is, they did not understand the ramifications, they did not understand the tax situations, the economic things that are necessary in order to carry out Government that is similar to yours, and if you noticed in some of my statements earlier, I said we just didn't want to bring the Indians up to the level of all majority society to pay tax and all those things, but these Indians could give a special consideration.

Therefore, I would very much support the idea of giving them a chance for self-determination in order to protect them, to making it

two-thirds, so that we can be really sure this is the way they wanted to do it.

Thank you.

Senator BURDICK. I would ike to thank the panel once again. We consulted with members of the committee here, and we will hear one more group, because we are going to have voting on the floor this afternoon and may be limited in time.

So, we have decided that at this juncture to take the next panel.

After lunch, we will hear the Menominee Indian Group first and then the Urban Indian Panel second.

STATEMENTS OF MEREDITH M. QUINN, SIOUX; EDUARDO DARME NUNEZ, YOKI; MAYNARD STANLEY, PASSAMAQUODDY

Senator BURDICK. Be sure to give your name and your representation.

Mr. QUINN. First of all, we are obliged by U.S. law to say that we don't represent any type of an organization. We will simply say that we represent the Mother Earth.

My name is Meredith Quinn. I am a member, allotment member.

In the abolishment of House Resolution 108, I don't believe this Department has ever given us the amount of money, land valuation, personal property laws, property defined as real, unreal, and interest therein.

I don't believe we have ever seen this figure. But I must go on record to say that Senate Concurrent Resolution 26 is equally as dangerous as the one we are getting out of, if it is voted out.

No. 4 paragraph, and lets first go back to a particular point: Every Indian in the country of the United States recognized by the Federal Government is under guardianship and alienation.

In 82 years of legislation, I have yet to see one act that involved guardianship and alienation.

There can be no good legislation until these three areas are reviewed, tested and defined. But let's define "termination." This Department, nor the Congress of the United States, nor the Supreme Court has ever defined termination.

But let's use its history. It abolishes a tribe, it abolishes a treaty, and in 90 percent of the cases, the lands revert back to the Federal Government for disposal, and in average, the land value given back to the Indian never exceeds 50 cents, and the land claims for California are the highest yet to date, 47 cents an acre.

Also, if the property was owned collectively—let's take that back. It is not owned collectively. The only right that the American Indian has in this country is the right of occupancy. We do not have anything except the right of occupancy.

Let's stop saying we owned the land.

Let's take citizenship. Since 1887 under the Bowes Act, there have been five citizenship acts for the Indian alone: 1887, 1919, 1924, 1940, and 1952.

Currently, there are two in force. June 2, 1924, and December 24, 1952.

Three words in each one of these citizenship acts make us a citizen of nothing, tribal and other property. Let's stop saying that we can be first class citizens. We are not even a citizen. There is no legal definition, there is no legal association. The courts of this land, the Supreme

Court, cannot define the existence of an Indian bylaw, a tribe, a person, or even the person who walks out this door.

This is the land that is ruled by law, the letter of the law.

In these hearings we assume and we talk in assumptions, but we seldom get near the legal letter that we are so mercilessly ruled by.

I know that every one of these gentlemen on the Interior and Insular Affairs through your jurisdiction know absolutely everything I speak of, and when you review the Senate bills, and please note this one thing that we know, that one-third of the bills of the U.S. Senate deal with us.

I don't get to the House so much, because it is so far I can't count that far.

Senate Concurrent Resolution 26, paragraph 4 states that it will bring under control Indians outside, in a sense, out of Federal funding or programs.

Well, I happen to know that even under the termination acts, especially House Concurrent Resolution 108, it states in the very last words, "This act does not change citizenship status".

We were terminated and weren't even given the right to be a citizen. I don't speak against this country, because if a foreign power were to strike, we would be the first to respond. We have a history here, and we have a history for tolerance and patience.

I would like to make a correction in the record, and that is on Senator Kennedy's 9195, in 1969, the Subcommittee on Indian Education, page 156. This comes out of your book, gentlemen.

The second paragraph, introduction:

"Tentative course of study for the U.S. Indian schools, Department of the Interior. Indian schools must train the Indian youth of both sexes to take upon themselves the duties and responsibilities of citizenship. To do this requires a system of schools and organizations capable of preparing the Indian young people to earn a living, one, among their own people; two, away from the reservation home and in competition with their White Bretheren.

This does not contemplate a college or university or even a preparatory school for college entrance. By law, gentlemen, you haven't told us that we do not have the right to attend a college.

We take Senate bill 59 of the 91st Congress, second session, under the Educational Act of 1965. It still has not given us the privilege or right to go to a university.

I would like to have that put in the record, because it is something us Indians should know.

When money was spent last year for every child from kindergarten through college and we have kids here to have to bet for tuition money, this is something we should know.

Point 2 of clarification that I would like to go into the record was on the identity of the argument of who is an Indian and who is to be classified as an Indian.

Gentlemen, you and I know that the right of who really is an Indian jeopardizes the existence of at least five States in this Union.

Senator ANDERSON. Five States; did you say?

Mr. QUINN. Five States, and especially Washington.

Senator ANDERSON. Why is that?

Mr. QUINN. Because of the treaties and the statehood that has taken place.

One of the things you had to recognize was the rights of the aboriginals.

As far as California goes, the clarification of who runs them is very simple, in some ways when we talk about the Indians, they become quite interstate. I happen to know that the attorney. Fred Gabor (?) was the one who helped to bring the Agua Calientes under Federal control.

But for the rest of California Indians, I would recommend that you look into the Treaty of Guadelupe Hidalgo. It now becomes apparent that you now have the same rights of sanction as in New Mexico.

Senator ANDERSON. What does Guadelupe have to do with it?

Mr. QUINN. It says that if you interfere with the tribal government in any way, it says that it automatically reverts back to Mexico.

Let us go back to that area. The taking of the Southwest by the U.S. Government was not done by the U.S. Army, but by the Indian tribes of California, and the agreement for holding the Spaniard Army under control in the arrival of the U.S. Army was this special consideration.

Point 3. I would like to clarify in some way the point of meaning to "termination," the point of meaning to "citizenship," the point of meaning to "alienation," what it involves.

Why are these three areas never touched?

I would still like to know how the Secretary of State in 1954 was able to transfer our right of sovereignty to the Department of the Interior when our sovereignty was completely and absolutely established in 1873.

Let's look at it from another way, Indians. Termination? Let's terminate where we came from, because in the 1880's and 1870's, there was a conference called the Mohawk conference in which the legal minds of this country put together this paraphanalia that we live under.

I am saying this: You are going to vote on Senate Concurrent Resolution 26. Watch out for paragraph 4, because there is no need for this paragraph, because this Department has never lost control of Indians off reservations or consolidated areas. But let's review the termination that took place in 1964 for the Alaskan Natives. That was a little bit before I was involved in the Indian problem, but as I look into it deeper, it becomes a little clearer that something must come out of there that has to be kept hush.

I am currently in Washington for one thing only. I want the U.S. Government to clarify citizenship for the Indian, to clarify alienation for the Indian, to clarify severalty and I want occupancy clarified to the Indian.

No more do we want him to wish hopefully that maybe his lands could be developed, or his lands probably could belong to him. I am a Wapidan Sioux.

When you visit our lands, they are the richest in the world. We have 25 feet of top soil. Yet, our annual income is $11 a year. We are the poorest. Yet, we speak a lot, because of all the things you are speaking of today, we have already gone through them. You have put us through the grindstone.

Senate Concurrent Resolution 26 takes us out of the boiling pot to the frying pan, and I am here to say that if this great country won't listen to the problem of the Indians, I will have to swim the Atlantic Ocean—I will—and I will tell them what they are doing to us; because I have made studies of Indian health, and our position is the opposite of the Nueremburg trials. There, they found the bodies,

but not the census. We have the census and we are looking for the bodies. I make this accusation now.

As a professional accountant with 20 years in the American business field and most recently in Washington on the fishing rights there, we bypassed the American Bar by stating that no attorney who was a U.S. citizen could properly represent an Indian by statute, that no court in the American system could fairly judge an Indian, and we got four Indians acquitted and 50 postponed indefinitely.

So, what I am saying does work, that we do possess a strange and a unique existence in the United States of America, and I would first like to see this country corrected.

Thank you.

Are there any questions?

Senator BURDICK. I just have one.

Do you know of any American Indian that is denied the right to vote?

Mr. QUINN. If we look up the statute, we will find that the right to vote, which is a State right, the right to own a passport and the right to pay taxes are not criteria for an Indian to be a citizen.

Senator BURDICK. It is pretty good evidence that he is, isn't it?

Mr. QUINN. This is an assumption that we are a citizen.

Senator BURDICK. I get the point. Everybody wants you to be be citizens, but I do not think there is any force or any voice that would deny citizenship to the American Indian.

If it has not been taken care of, it is an oversight. It has always been regarded as such.

Mr. QUINN. I believe that will be it.

Senator BURDICK. That will be it.

Thank you very much.

We will be in adjournment until 2 o'clock.

(Whereupon, at 12:45 p.m., the committee recessed, to reconvene at 2 p.m., the same day.)

AFTER RECESS

Senator BURDICK. The first witnesses this afternoon will be George Kenote, chairman, board of trustees, Menominee Enterprises, Neopit, Wis., and Ada Deer, member, board of trustees, Menominee Enterprises, and representing DRUMS.

You may appear in any order you wish.

STATEMENTS OF GEORGE KENOTE, CHAIRMAN, BOARD OF TRUSTEES, MENOMINEE ENTERPRISES, NEOPIT, WIS.; MISS ADA DEER, MEMBER, BOARD OF TRUSTEES, MENOMINEE ENTERPRISES AND REPRESENTING DRUMS; HON. REUBEN LA FAVE, SENATOR, WISCONSIN LEGISLATURE; WILLIAM FREDENBERG; ATLEE DODD; JAMES WHITE, PRESIDENT OF TERMINATION OF UNITY AND RIGHTS, MENOMINEE STOCKHOLDERS, CHICAGO CHAPTER; MRS. JOAN KESHENA HARTE; MRS. GWENDOLYN WHITE; GEORGE IGNACE; GLENN MILLER; AND JOSEPH PRELOZNIK, COUNSEL

Mr. KENOTE. Mr. Chairman, my name is George Kenote. Along with me are Mr. John Fosum, on the Menominee Town Board of

Directors. From the board of directors of Menominee Enterprises are William Fredenberg and Atlee Dodd.

On my right is Senator Reuben LaFave of the Wisconsin Legislature. Miss Ada Deer is on the panel with us.

Mr. WHITE. Mr. Chairman, my name is James White. I am president of the Termination of Unity and Rights, Menominee Stockholders, Chicago Chapter. We want to thank you for the opportunity of appearing here, and I would like to introduce some of the other members of our delegation here today, namely Mrs. Joan Keshena Harte, Mrs. Gwendolyn White, George Ignace, and on my left is Miss Ada Deer, another part of the delegation, Mr. Glenn Miller, and on my right is our legal representative, Mr. Joseph Preloznik.

Miss DEER. I would like to introduce myself, Mr. Chairman, and members of the committee.

I am Ada Deer, a member of the Menominee Tribe, a member of the DRUMS organization, and a trustee of the Menominee Common Stock and Voting Trust.

By profession, I am a social worker. I have had extensive experience in the Bureau of Indian Affairs, and in various university settings, public and private agencies, and at the present time, I am a student in the special scholarship program in law for American Indians at the University of New Mexico, and I will be attending law school this fall at the University of Wisconsin in Madison.

We wish to thank you for the opportunity of speaking today on the policy of termination and what it has meant to the Menominee people.

As Menominees and members of DRUMS, an organization dedicated to the preservation of the Menominee Tribe, we view termination as an unqualified failure. We believe that this congressionally imposed experiment is a tragic mistake.

We ask that the termination policy be rejected and that Congress take the first steps toward repairing the damage that termination has caused.

Since 1961, we Menominee have been forced to function as a non-Indian community. The results have been tragic.

The theory behind the policy of termination has been the desire to assimilate the Indian into the mainstream of American society. Supporters of the policy of termination believe that our status as reservation Indians, our tribal ownership of land, and our tax exemption were blocking our initiative, our freedom, and our development of private enterprise.

We are here to tell you that termination has achieved none of the desired results; our position is today worse than before termination, and our very identity is seriously threatened.

Before explaining the effects of termination, we would like to clarify the misconception that the Menominee tribe favored termination. On June 20, 1953, 169 of 174 people present at a general council meeting voted in favor of "the principle of termination." Many of those who voted thought they were voting only in favor of receiving certain per capita allotments that were being held by the U.S. Government.

At a later meeting, when the policy of termination had been explained a little more fully, the Menominee General Council voted 197 to 0 to oppose and reject termination.

Senator BURDICK. At this point, I was here when that happened, and I don't recall anybody appearing to oppose termination. Were you here?

Miss DEER. No: I wasn't here.

Senator BURDICK. Was anybody at the table here? Did you oppose it?

Mr. KENOTE. I was here for the hearings in March of 1954, not as a witness, but just as an observer.

Senator BURDICK. Do you recall anybody appearing against the bill? I don't.

Mr. KENOTE. Not at that point. There had been some opposition and different views prior to those hearings.

Senator BURDICK. It was never transmitted to the Congress, that I recall.

Mr. KENOTE. The State of Wisconsin Representative, Mr. Harry Harder at that time raised some very cogent points in opposition, at that time.

Senator BURDICK. As I recall, the congressional representatives and lawyers were for it.

Mr. PRELOZNIK. Mr. Chairman, I may add that there are records in which Senator Watkins appeared when he appeared before the Menominee people that they did not have an opportunity to decide this, that they were going to be terminated, and that it was up to them to come up with a proposal and if they did not, that then the Congress would develop a proposal of their own.

Senator BURDICK. That was long before our day. This came before our committee in 1961, in that period, long after Senator Watkins.

Go ahead.

Miss DEER. This, again, is the result of general council meetings that were held, and I think this pertains to your point made earlier, Senator, that this was done with our consent, and I think this illustrates that it really did not occur in that manner.

This second vote has been largely ignored. Nevertheless, we were convinced that we had no alternative to accepting termination. On June 17, 1954, the Menominee Termination Act was signed into law by President Eisenhower. We Menominee, however, did not want and do not want termination.

Following the enactment of the Menominee Termination Act, we were asked to submit a termination plan for final congressional approval. The termination plan submitted was the work of a 4-member committee of Menominees assisted by a large Milwaukee law firm. This plan was not presented to our tribal council for their consideration until 2 weeks before the Washington deadline for submitting an approved plan.

Two weeks to study and understand an unbelievably complex and lengthy legal document was not enough time for an informed judgment. As one observant Menominee pointed out at that time, 99 percent of us did not know what it meant.

Many of us believed that we had no alternative of composing an entirely different plan or of modifying the plan submitted to us. Our council approved a plan that a majority of us did not read or comprehend. The final vote was 91 to 16. Ninety-one affirmative votes determined the future of 3,270 Menominees.

Congress unilaterally abrogated its treaty obligations toward us under termination. Until termination, the Federal Government in return for land we had ceded it, held our lands and other assets in trust for us, guaranteed our treaty rights, and through the Bureau of Indian Affairs, managed our reservation and supplied us certain community services.

The termination plan for the Menominee created a corporation, Menominee Enterprises, Inc. (MEI) to hold and manage Menominee assets. This arrangement for the most part has been a failure.

Under the termination plan each of the 3,270 enrolled Menominees was given 100 shares of one dollar par value stock in the corporation. Each Menominee also was issued an MEI income bond guaranteed to mature at $3,000 in the year 2000.

Each bond bears interest at 4 percent per year, or $120. This sum serves as the equivalent of the annual payments made to us from our lumber industry prior to termination.

This corporation is effectively controlled by a voting trust that recently increased from 7 to 11 members. The voting trust holds and exercises the voting rights of the individual Menominee shareholders.

The only opportunity that the individual shareholders have to abolish the voting trust occurs every 10 years. In an election in 1971, a majority of those who voted were in favor of abolishing this trust. A simple majority, however, is not sufficient to abolish this trust. We need a majority of all outstanding shares.

This is virtually impossible to achieve. Many Menominee are scattered throughout the country; many do not understand the right to vote by proxy. Moreover, every election has been effectively controlled by votes held by an assistance trust, which has controlled 80 to 92 percent of all ballots cast.

This assistance trust was created to handle the votes of minors and those who were designated as incompetents. As more Menominees have reached the age of majority, the percentage of votes controlled by the assistance trust has declined from 42 percent to 21 percent.

Yet, the control which it has exercised continues to be completely disproportionate. The control and management of this trust is not in the hands of Menominees. We have thus been deprived of the right to govern ourselves through the elective process, and of the power to change the voting trust established by the termination plan.

Effects of termination: We believe that termination has produced three major long-range effects on the Menominee people, each effect a disaster in itself.

First, termination has transformed Menominee County into a "pocket of poverty," kept from total ruin only by massive transfusions of special Federal and State aid, welfare payments, and OEO spending.

Second, termination has forced our community to sell its assets. Consequently, both tribal and individual assets are being lost at an incredible rate.

Third, the mechanics of the termination plan has denied the Menominee people self-determination.

I would like to tell you about each of these effects in more detail.

Today, Menominee County is the poorest county in Wisconsin. Prior to termination, we Menominees were one of three tribes able to pay for most of our Federal services.

Although most of the individual Menominees were poor, our tribe held assets in the U.S. Treasury under the trusteeship of the U.S. Government of more than $10 million. We have a source of employment and income in our lumbering operation, and owned our forest itself, valued at $36 million.

Today, Menominee County ranks at or near the bottom of Wisconsin counties in income, housing property value, education, employment, sanitation, and health. Our cash assets were consumed by the costs of termination, which we were required to pay, by a $1,500 per capita distribution that had been previously decided upon, by the burden of taxation from which we had been exempted, and by the costs of supplying health, education, and utility services previously supplied by the BIA.

Our county had to renovate its substandard sewerage system, at a high cost. Our school and hospital were closed because they failed to meet State standards. Shortly after termination, our people were stricken by a TB epidemic which caused great suffering and hardship because of lack of local medical facilities.

There have been no full-time doctors or dentists in Menominee County since termination. Our students are forced to attend high school in a neighboring county in a school system that we believe has been insensitive to the background and needs of our children. In many cases, they find themselves objects of rejection and discrimination.

Although in 1954, we Menominee seemed prosperous in comparison with other tribes, our resources were not sufficient for us to finance a county form of government. Our once extensive cash assets were consumed by the expenses of termination. Our MEI corporation assets and our individual assets are being lost at an alarming rate.

In an effort to meet expenses, and expand the tax base, MEI has turned to the sale of our most precious asset, our land.

In 1968, MEI entered into a joint venture with a private lake developer for the creation in our county of a large artificial lake, Legend Lake, surrounded by homesites to be made available to non-Indians.

Through this joint venture, MEI has sold 8,760 acres of our most valuable land. If completed, this resort-retirement-vacation enterprise in the heart of our land will offer nearly 2,000 lots for sale to non-Indians.

It is true that this development has temporarily expanded our tax base. But the negative effects of this policy outweigh the advantages. The additional tax income that will result will be consumed by the cost of additional police and fire protection, road maintenance, sewerage and water systems, and other basic county services.

If even one-half of the 2,000 lots become permanent homesites, this new population of non-Indians will outnumber the Menominee. When we are outnumbered and outvoted, and our most valuable land is sold, our survival as an Indian community will surely be doomed.

Individual assets that were tribal property before termination are also being rapidly lost. The first asset lost by many of us was our income bond.

Many Menominee, needing cash, have been forced to sell their bonds at a fraction of their face value. We have also been forced to assign our bonds to the State of Wisconsin before being eligible for

welfare payments. Under this program, Wisconsin has managed to collect over $1,200,000 worth of Menominee bonds.

Also, individual Menominee were forced to buy the land on which they lived—land that had always been considered their own. Many Menominee used their bonds to purchase this land.

Particularly tragic is the situation of those who did use their bonds to purchase land, but then lost the land because of their inability to pay taxes.

The final frustration which termination has brought our people is our lack of control over our own destiny. As was previously mentioned, erroneous information, misunderstandings, and our own inability to comprehend the total subject matter prevented most Menominee from taking any meaningful part in the development of our own termination plan.

The voting trust has effectively deprived us of the power to control our own corporation. The disproportionate effect of the First Wisconsin Voting Trust, which represents minors and so-called incompetents, outweighs the votes of us Menominee who are struggling to influence the future of our tribe.

Many of us have opposed the sale of our lands undertaken by the MEI. An unusual interpretation of the corporate bylaws regarding sale of our lands has prevented us from being effectively heard on this matter. Article XII of the MEI articles of incorporation requires that in order to sell, exchange, assign, convey, or otherwise transfer any portion of the real property which it owns, MEI must secure prior approval by the affirmative vote of the holders of not less than two-thirds of the outstanding shares of stock entitled to vote thereon.

We Menominee would never have voted to approve this sale of our land in the Legend Lake project. But this article was interpreted by the seven members of the voting trust as requiring only a two-thirds majority of the voting trust and not a two-thirds vote by individual stockholders.

Our story is tragic, but it is a true account of the effects of termination on Menominee people. We have told how termination has meant the loss of treaty benefits, has pushed our already poor community further into the depths of poverty, forced our sale of assets, and denied us self-determination.

To the Menominee, the real meaning of termination is this: Congress decided unilaterally to end its treaty obligations toward us. We have been thrust into a corporate way of life totally unacceptable to us. The effects of termination combine to threaten the very existence of our people as an Indian community.

When Senator Jackson, introducing Resolution 26, spoke of termination as being "* * * totally and absolutely unacceptable to the majority of the Indian people * * *" he simply spoke the truth.

By showing you the deadly effects and utter failure of this congressional policy with regard to us, the Menominee people, we hope that we have helped you realize the imperative need for congressional repudiation of the policy of termination.

As a first step in undoing the disaster of termination, we are heartened by, and urge this committee's acceptance of Senate Concurrent Resolution 26. This resolution seems to reject the equally damaging extremes of BIA paternalism and termination. At long last, through

this resolution, Congress seems to be recognizing that it can encourage Indians to steer a course of self-determination, without at the same time abrogating its moral and treaty obligations to protect Indian assets and rights and to provide them services.

Of course, we want to state that what we are supporting here today are words. This resolution's words, although fine and hopeful, are nothing more than words. And while we are encouraged by these words, we say to this committee that this resolution is couched in what seems to us binding language: it seems to us no idle promise. And for this resolution to breathe with life, the Government must enact what the resolution calls for. The Government will be judged by us in terms of what it does to carry out the commitments of Resolution 26.

We have expressed our support of this resolution. We have told you the story of the continuing disaster which termination has brought to our people. And now, would it seem to you proper for us to return to our people, satisfied that we have done a good day's work on their behalf? Have we said all that needs to be said? We think not.

Above all else we ask that Congress repair the damage which termination has done to us, the Menominee. We ask Congress to reassert and reassume its treaty obligations toward us: Namely, to protect our lands, assets, resources, and rights, and to provide us basic community services.

We ask that the termination of the Menominee Tribe be ended, and that from now on the Federal Government treat us in a manner consistent with the spirit and letter of Resolution 26.

Accordingly, we bring you today the DRUMS plan for the preservation of the Menominee Tribe. We urge you to adopt this plan. We strongly believe that it offers us Menominee people our only hope of a future and presents Congress with a method of righting the wrongs done to us by termination.

Our plan is as follows:

The Committee on Interior and Insular Affairs should amend Senate Concurrent Resolution 26 to read:

Now, therefore, be it *Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that:

(7) recognition be taken of the disaster and failure of the termination of the Menominee Tribe; and Congress shall immediately enact legislation to reverse termination of the Menominee Tribe, and shall reassume its treaty obligations to protect Menominee lands, assets, resources, and rights: and shall provide adequate and basic community services to the Menominee people; and henceforth Government relations with the Menominee people shall be based on the spirit and letter of this Resolution 26.

Following adoption of Resolution 26 as amended by section (7), Congress should immediately enact the legislation to reverse termination of the Menominee, and in order to rectify certain major problems caused by our termination, should include in such legislation specific provisions to:

(1) Restore all Menominee to their legal status as American Indians, thereby entitling them to all the Government services and benefits available to Indians;

(2) Reopen the Menominee tribal rolls, so that Menominee Indians born since 1954 can be legally recognized as Menominee, and regain their rightful share of tribal assets;

(3) Dissolve MEI and restore all its remaining assets to the status of tribal property, to be held in trust by the Federal Government;

(4) Purchase all Menominee land lost as the result of termination and restore it to the Menominee Tribe;

(5) Award compensation to the Menominee Tribe for the damages it suffered under termination; and,

(6) Establish an economic development program among the Menominee to attack the principal causes of our present poverty.

We end our statement by thanking you for giving us this opportunity to testify. We believe that you have heard today the true desires of our people, and on behalf of all Menominee, we strongly urge your adoption of both Senate Concurrent Resolution 26 and the DRUMS plan we have proposed here today.

Senator, this is a summary of the larger statement, which will be submitted for the record.

Senator BURDICK. From your testimony, the plan as adopted didn't work out very well.

Miss DEER. That is right. It was a disaster.

Senator BURDICK. I wish we had known what was going to happen when the witnesses from Wisconsin came here in the first place.

Who else would like to testify?

Mr. KENOTE. Mr. Chairman, and members of the committee, I would like to say at the outset the objectives of most of the Menominee Tribe are not much different than has been described by the previous speaker. There is a difference of method. But the objectives of most of us are pretty much the same.

It is a matter of method. With that, I will go into my own statement.

Senator BURDICK. All right.

Mr. KENOTE. We, representatives of the Menominee Tribe of Wisconsin, much appreciate the invitation to make this appearance before the parent committee on Indian Affairs.

For a long time, we have felt that we had no recourse here. Our presence today is indeed an honor for us. We hope that our efforts and experiences across the last seventeen years will be of benefit to the National Government, the several States, and other Indian tribes.

Let me say at the outset that we have reviewed and discussed Senate Concurrent Resolution 26 in some detail. We believe it is an historic and remarkable proposal. The Congress and National Government should adopt this policy in this session so that the Indian communities across the land can again feel safe at home. There is much work to be done in these communities and the start ought to be now. The first five steps of the resolution go a long way to make this possible.

The period 1954 to 1960 were years of searching, confusion and considerable duress for the Menominees. To find ways and means to deal effectively and safely with the mandates of the Menominee Termination Act of 1954 was a move into an almost totally new world and way of life for most of our people. It was a new way for us and it was a new problem for the State of Wisconsin.

It must be said that the effort and thrust of the Federal Government in this instance was not progressively to aid and prepare the people for termination. It was instead only a continual pressure to end Federal responsibility. The cost in money, not including time and

human effort and frustration, has been considerable and we think could have been avoided. This cost in money is not yet ended.

We feel that we were used as an experiment, or as some have suggested, "a guinea pig" in this termination process.

In considering how to deal with other Indian tribes in the area of economic development, some of our experiences may be of interest to the Congress.

This past May 1, 1971, marks the 10th year since Federal Indian Bureau supervision ended for the Menominee Tribe. It is important to state that 1961 did not end Government supervision.

The immediate experience was that we immediately became subject to about 27 other Federal or State regulatory or investigative agencies. A few of these were good experiences, most of them gave us doubts. The experience has been sometimes frightening and we think you may gain something from it.

Public Law 399, 83d Congress (the Menominee Termination Act), made us subject to the laws of the several States and caused us to seek new forms of organization for the management of business and governmental affairs. It denied us the legal trusts and exemptions usually available to American Indians.

From a review of tribal affairs across country it is apparent that much can be derived from a corporate form of business management. This would seem to respond to section (3) of Senate Concurrent Resolution 26. Some of the positives deriving from this form of organization and its regulation we have learned the hard way. These are things that other tribes can learn without termination.

Incorporation and its management brought direct involvement of tribal members and responsibility for planning and decision, including determination for use of money and available assets. We had to realistically measure outgo against income for the first time. Believe me, we learned. There was no Uncle Sam to second-guess us.

We became subject to the National Labor Relations Board and the Wisconsin Employment Relations Board. Unionization has brought greater stability to our work force, and benefits to the corporation and its employees. We learned what labor relations and all its problems and rules really mean. The men acquired a new job responsibility.

We became subject to the safety division of the State Industrial Commission. We have lost one life in 10 years—we used to lose more in 1 year. The redevelopment of our plant and rolling equipment cost time and over $2,500,000 in cash, but it has paid off in returns and human misery saved.

We have developed a tax consciousness and company responsibility to the overall community. We know what it costs to put a child through the first 12 grades. We know the cost of health and welfare services for the aged, the infirm and the youth.

We know the importance of trade relations, contract performance, quality control, necessity for decision now, cash flow, and need for solvency.

We have led the way in Wisconsin in maintaining environmental and ecological control, consistent with necessary use of natural resources; in related economic development. Others can learn and gain much from our efforts and experience.

We developed a plan that is intended to preserve most of our tribal land in a solid economic block for the greatest number for the longest

possible time. We have used every legal safety device available to accomplish this, such as protection of the forest from divestiture, options on land and stock, noncumulative liability for interest payment on bonds (a replacement of forced stumpage payments on annual forest harvests). The recently embattled voting trust idea has its very origin in the desire to assure safety against further improvident decision.

We are not the defunct, soulless community that some TV and press stories have dubbed us. We are very much alive after 10 years. Our people are much stronger collectively and individually. The workers in the forest, in the mills, and in private enterprise have kept us going. We are in the process of turning over the reins to a younger, more educated, more aggressive, determined, and imaginative group than we had in 1961.

Most of the people in this room did not participate in the decision made in 1954.

Termination did bring us very severe economic and social problems. We have had some far-reaching success. We are a long way from the protection of the safety of our assets that we want to achieve. We must devise a method to assure the forest and other natural resources for our people.

We must devise a means to retain the common stock in the hands of the greatest number for the longest possible time in order to achieve the promise set forth in section (5) of Senate Concurrent Resolution 26, that is, the protection of American Indian property.

In passing, with reference to section (5), we might observe that history has substantially changed much of Indian culture as we knew it. It need not change Indian identity.

We think Indian identity can be preserved and culture much enhanced by Congress' adoption of Senate Concurrent Resolution 26. This would be a most thoughtful and altruistic act of the National Government to guarantee forever Indian property and identity.

It would be a move toward no more Alcatrazes and Indian ghettos. Assimilation of the races is a biological and a personal thing, it ought to be left to proceed at its own pace and not be hustled by allotments and divestments of Indian property nor complete termination of the Federal-Indian relationship.

In the past 2 years, it has been my pleasure to revisit the Apache in Arizona and New Mexico, Pyramid Lake, the Navajo, and the Pueblo. I am familiar with almost all other major Indian communities in the United States. It would be an horrendous thing to divest those Indians who hold their lands intact. It would be wonderful if those allotted areas could be somehow reconstituted as an economic unit, perhaps under a form of corporate reorganization which might also give some solution to the Indian inheritance which might also give some solution to the Indian inheritance problem. This I would commend for consideration of the Congress.

The basic and severest problem at termination was and is the lack of economic development necessary to sustain the community. The depletion of the tribal treasury accounts in the 1950's should never have been encouraged nor accomplished as happened in the Menominee case.

It can reasonably be said that if termination had not taken place and the Federal contribution to the Menominee community had

remained on the level pertaining in 1960, the money spent on termination since 1961 could have taken us at least 40 years into the future, without any substantial changes.

Those entrusted with immediate responsibility for management and preservation of the tribal property realized that we had to remain solvent, that we had to do things for ourselves, that we had to make the same sacrifices others make to establish viable communities. It must be reported that approximately one-half of our membership is not resident in Menominee County. It has been suggested that we have perhaps outgrown our community. Job opportunity has not been sufficient.

These conditions aggravate our problems and make easier resolution difficult and time consuming. As a result of termination, we have not been able to accelerate community improvements due to lack of funds. Funds have been used up in taxes and needed plant improvements and so forth.

A better measure of the resources available and their economic potential against the demands of the community for necessary social services should have been accomplished before termination became final. The program should have been more gradual.

Here, I point out again that the Bureau and the different Government agencies could have taken a longer look in assessment of the problems and the resources to meet them before pressing so hard for demanding the Menominee Termination Act.

A brief résumé of the corporate contribution since 1961 and the demands of the community should make the economic condition clearly evident.

Since May 1, 1961, Menominee Enterprises, Inc., has had gross sales from timber operations of $35,644,817. This is strictly from timber operations. It has paid $3,466,469 in real estate taxes; $3,741,398 in bond interest to its shareholders. We have never missed a bond payment to date, although we have had to go into capital reserves to do it; $11,793,145 in payrolls; $1,356,870 in fringe benefits to employees; $7,008,194 in logging contracts; a grand total of $27,366,076. The rest has gone into plant improvement, maintenance and operations.

Our minimum wage gained from $1.34 per hour in 1961 to $2.37 in 1971; the maximum rate rose from $2.25 to $3.44; and the average from $1.52 to $2.69. This shows progress with the times but it also shows something else. Forest and sawmilling operations are low in the marketplace and the communities are impeded accordingly. Not only us, but other communities in our general area. At times, we have an unemployment rate approaching 40 percent. The average runs about 25 percent.

Northeastern Wisconsin where we reside does not lend itself to substantial industrial development. We have made numerous efforts to develop industry, or to bring other industry in. Recreational uses and development is paramount in this part of Wisconsin.

With reference to forest practices in our particular case, we had to drop from a 30 to 35 million anticipated annual woods harvest at termination to about 22 million, of that only 14 to 16 million being merchantable saw log material. This has compounded our problem.

I might interpose here that the Government handed us a so-called forest management plan that said we could cut from 30 to 35 million

feet of timber per year. Based on that it looked like we had a fair chance of some success. After 6 years' operation, we find this is not true. We had to totally revise our forest management plan at a cost to us of $200,000, and we are cut back to the 13 to 16 million feet annual harvest.

It is worthy of note that our annual forest cut was reduced in 1966. We have dropped from an annual net earning of $684,608 (1961–65) to $321,321 (1966–70).

Dutch elm disease struck our forest in 1970. It represents 9 percent of volume. We must accelerate cutting this species. This will reduce the annual volume in the future, so that our $16 million tops looks much smaller in the future.

The attached statement on comparative Menominee County budget and levy for 1971 and 1972, shows our experience with and without Public Law 89–653 (Nelson-Laird) Federal aids.

I won't spend any time with the column. If you look down under net taces, it was $367,459.

In 1972, without the Federal aid Congress gave us, we will pay $579,100, and we have to measure that against the $321,000 we are earning in our forest operations.

The approximate distributions made as of May 1971, our assessment date in Wisconsin, we paid 63 percent, and in 1972, we will pay about 55 percent, but we are still paying a disproportionate share of the burden.

Local residents paid 9 percent in 1971 and will pay about 7 percent in 1972.

Menominees picked up 71 percent of the tax burden in 1971. They will pick up about 38 percent in 1972.

(The table follows:)

COMPARATIVE MENOMINEE COUNTY BUDGET AND LEVY

[With and without Nelson-Laird Aids 1971–72]

	1971	1972
General government	$131,035	[1] $131,035
Protection persons and property	108,887	[1] 108,887
Health and social services	727,194	[1] 727,194
Public school district	391,395	490,437
Education and recreation (vocational)	57,938	[1] 57,938
Highways	54,000	[1] 54,000
Contingent and miscellaneous	11,708	[1] 11,708
Town of Menominee	45,433	123,937
State forestry	5,404	6,250
Grand total budget	1,532,994	1,711,386
Offsetting aids and revenues:		
Federal-State health and social services	525,598	[1] 525,598
Miscellaneous local revenues	40,931	[1] 40,931
Nelson-Laird (Public Law 653–89)	290,000	0
State refund credit	91,948	[1] 91,948
Grand total aids and revenues	948,477	658,477
Net levy by taxes	584,517	1,052,909
Menominee enterprises	365,459	579,100
Approximate distribution based on assessments (percent):		
Menominee Enterprises, Inc	63	55
Local residents	9	7
Lakes of Menominees	28	38

[1] Budgets for 1972 not known at this time. It is assumed that these will increase about 7 percent. For illustration only we are using the 1971 budget figure.

Mr. KENOTE. In 1962, we investigated and commenced recreational land development on a minimal lease-purchase basis. We soon found that this would not yield us the return nor the long-term tax benefit we needed in time to forestall the serious financial deficits impending.

We turned to the Congress in 1966 and Public Law 89–653 funds were provided on an interim basis, together with research and planning aids by the Economic Development Administration. These have been of inestimable help. We need more of them.

To overcome the loss of Public Law 89–653 (Nelson-Laird) Federal tax relieving aids in 1967 we commenced development of what is now known as the Lakes of the Menominees. This project serves two important purposes: (1) It provided us funds for necessary remodeling of boilers and other improvements in our plant—I might there interpose that the bars in our sawmills were put there in 1908, commenced operation in 1909. Within the last year and a half, the insurance company said they would no longer insure them. The Industrial Commission could have shut us down. We had to make this investment, and money from the Lakes project made it possible.

(2) It creates a new tax resource and will relieve the tax burden for a limited period of time. We had hoped this program would be completed in time to meet the heaviest onslaught immediately following the cessation of the Nelson-Laird aids mentioned above.

The foregoing table on Comparative Menominee County Budget and Levy for 1971 and 1972 reflects the direct benefits of this project. Procedural delay, lawsuits, picketing disruptions, and negative and groundless adverse publicity have seriously set this program back.

A program of this nature would be necessary for economic development and new income whether or not we had termination. The depletion of the tribal treasury in the 1950's makes this true. It is well known that the sawmill and forest cannot and never did support the community. New investments are necessary. We consider this use of the land as a sure investment and not a divestment.

Is the Lakes of Menominee an investment? It is not a forest-producing area, and is only 2 percent of our land. Prior to the development, the land in that area was taxable at $50 an acre. It is now taxable at $12,000 an acre, and that does not include the homesite or buildings and improvements to go on these properties.

The point I want to make is that we are doing and have done the darndest we can to achieve a level of success.

With all that we have done, 1972 finds us still in a very serious deficit position. In 1974, a restriction on the sale of trust certificates (representative of common stock) ends and they can be sold by the beneficiaries. This could defeat all our efforts to retain the land as an economic block. If we would lose 30 percent of our stock, we have lost the effective control of our company.

Considering the serious reduction in the forest yield coupled with the overburdensome tax liability, and all the attendant disruptions and problems that must be dealt with, Menominee Enterprises, Inc., and the Menominee Tribe face a hazardous future.

The course of termination is a long and tedious story and we cannot recount all of the last 17 years in this report. We do not think

termination is a valid course of Government and Indian affairs when it disposes and makes Indians landless.

It would seem to me that the majesty of the United States lies in preserving for the future a Federal-Indian relationship commemorative of a great nation and its first people.

We respectfully submit that Senate Concurrent Resolution 26 must pass. We thank you again for the invitation to make this appearance.

In connection with this, I draw the committee's attention to the resolution adopted by the joint meeting of the Menominee common stock and board of directors of Menominee Enterprises, supported by the Menominee Town Council Board, supported by the community action program, and I hope they will continue to support us in it.

The resolution specifically asks that legislation be introduced in the Congress, and we hope that it will be effective in January 1972, to continue Federal aid in the same amounts provided by Nelson-Laird aids so that they are available for about 4 or 5 years.

Secondly, to allow us to continue to participate in health and welfare benefits normally available to other Indians. This would be of tremendous aid to our people all over the country.

I might say in addition to that that we recognize the complexity of it, of the problem it creates. In the future, not too far off, we hope that our forest, consisting of about 220,000 acres will be defined, determined and then held in trust as other Indian lands are held in trust, so that this is preserved in the future as an economic base for our people.

It can't take care of them all, but it can take care of a large share of them, particularly those who must remain at home for lack of better opportunity outside.

For the record, I will submit a statement by the Menominee Town and County Board, a statement by Mr. John Fossum, a member of that board, and a short resolution by the community action committee at home.

Senator BURDICK. The statements will be part of the record, without objection.

Mr. KENOTE. No. 1, I would request that the Nelson-Laird aid be extended to us 4 or 5 years more. If we don't get those, we go from a $22 a thousand tax rate in our county to a $35 tax rate on an 80 percent valuation, and we cannot possibly sustain our community on that basis. We just can't pay that burden.

Our public school building went up from $391,000 to $490,000 this year, $100,000 in one clip. Fifty-five percent of that goes to Menominee Enterprises.

Second, reclassify Menominees as eligible for normal Federal Indian benefits.

Three, consider the feasibility of establishing the Federal trust of our forests, and I would urge that Senate Concurrent Resolution 26 be used as the basis for treating the Menomonee situation immediately.

Gentlemen, we wish to thank you for this opportunity.

Senator BURDICK. Thank you for your contribution.

At this point, I would like to make a correction growing out of the exchange I had with Ada Deer. I became acquainted with this problem in 1961, but I found the termination statute was actually passed in

1954. In 1961, there was the amendment of the Termination Act. It was sponsored by Mr. Laird and Mr. Nelson. So, I will have to make that correction.

At that time, in 1961, as I said in my exchange with Miss Deer, that I didn't find any opposition from anybody. Perhaps it was all done by that time.

I do find this, though, in the record, back in 1954, and I quote from page 595 of the record:

> Representative Laird states as follows: Accordingly, I have introduced H.R. 7135 by request of the Menominee Indian Tribe. This bill and the provisions of the bill were agreed upon in a general council meeting by the Menominee Indian people assembled in general council.

Is that the council meeting you referred to?

Miss DEER. I presume it is; yes.

Senator BURDICK. I want the record to show that when I was referring to 1961, I was referring to the extension period.

Senator Anderson?

Senator ANDERSON. There is another paragraph there on page 4, that Menominee County is the poorest county in Wisconsin.

What happened in that period after termination?

Didn't the Interior Committee of the Senate plead with you not to set up a separate county?

Mr. WHITE. I don't understand the question.

Senator ANDERSON. Didn't the committee, at the time, plead with the tribe not to set up a separate county?

Mr. KENOTE. If the Chair please, I can respond to that.

Senator ANDERSON. Did it, or not?

Mr. KENOTE. The committee did suggest that a separate county might not be the best way, but after some very thorough studies by the State of Wisconsin, the legislature and our own people, we determined that a separate county was no more costly than being attached to other counties.

The fear and the problem of losing your property to other counties around us was much greater if we did not have our separate county. The State of Wisconsin determined that we know there are economic and social problems in Menominee County.

By establishing the separate county, we can identify and determine them and deal with them more exclusively.

The cost would have been the same, Senator, either way you would have gone.

Senator ANDERSON. You think it would have been, but we tried to tell you it would have been very much more expensive and your representatives here said it wouldn't.

Mr. KENOTE. For instance, if we had to go into a neighboring county with our evaluation and their tax rate, we would have been paying in the neighborhood of $900,000 in taxes in 1961 and 1962. That would have buried us right away.

Senator ANDERSON. We did counsel against setting up a separate county.

Mr. KENOTE. I remember you suggested it might not be the best way, but I assure you that the best economists and men in government and business surveyed this problem before the State legislature passed it.

Senator ANDERSON. I don't know who else suggested it. You can't set up these counties without causing some tax burdens.

Mr. KENOTE. One of the problems that developed since then, Senator, the forest plan that the Government submitted to us at that time told us we could cut 30 to 35 million feet of timber out of our forest each year and sustain it. We found this was not true after 5 or 6 years. We were cutting 20 to 22 million tops. We are even below that at this point.

Senator ANDERSON. I have no further questions.

Mr. WHITE. Mr. Chairman, I would like to ask that the statement that was made to the committee previously and submitted to you, a 34-page statement, be made part of the record of this committee, and which was summarized by the statement of Miss Ada Deer.

Senator BURDICK. Would you further identify the statement? Who is it by?

Mr. WHITE. The statement is a 34-page statement called "Effects of Termination on the Menominee, Submitted to the Committee by Ada Deer."

Senator BURDICK. The full statement has been made part of the record.

(The statement referred to is in the appendix.)

Mr. WHITE. The names of the other persons are on the cover page.

We also have a resolution adopted by the Great Lakes Tribal Council in support of our position on adoption of Senate Resolution 26.

Senator BURDICK. Without objection, it will be received.

(The resolution follows:)

RESOLUTION BY THE GREAT LAKES INTER-TRIBAL COUNCIL REGARDING SENATE CONCURRENT RESOLUTION NUMBER 26

Whereas prior to 1831, the Menominee occupied a large territory of nearly 9½ million acres in what was to later become the Northwestern portion of Wisconsin and part of the Upper Peninsula of Michigan, and

Whereas after the war of 1812, the Menominee resisted attempts by westward moving settlers to drive them from the Great Lakes area, and

Whereas the United States, through force of its greater power, succeeded in securing from the Menominee a series of treaties by which the Menominee ceded most of their homeland to the United States and to other Indian tribes which the Government was relocating, and

Whereas the Menominee, in 1854, agreed in the Wolf River Treaty, to be confined to a site of roughly 234,000 acres along the Wolf River in Northeastern Wisconsin, and

Whereas this land became known as the Menominee Indian Reservation, and

Whereas, until termination, Federal Government held this land and assets in trust for the Menominee people, protected their treaty rights, and through the BIA, managed their reservation and supplied the Menominee with certain community services, and

Whereas the Menominees, like many other Indians bound by the paternalistic rule of the BIA, resented the lack of meaningful self-government, and

Whereas the Menominee rejected in the latter part of the Nineteenth Century BIA attempts to submit them to the Government policy of allotment, an experiment that imposed private property ownership on Indians, the economic situation of the Menominee was somewhat better than that of many reservation tribes by virtue of their being situated in the midst of a magnificent forest, and

Whereas the Menominee were able to develop a modest lumbering industry which provided the basis for some employment and income for the Menominee people, and

Whereas the lumbering business was run by the BIA, the Menominee sued the Bureau for mismanagement of their forest, and won a net judgment for $7,650,000 in damages, and

Whereas by 1953, the Menominee were anxious to make further gains in self-government and management of their business and assets and were well-satisfied with Federal protection of their assets, protection of their treaty rights, and the provisions for their community services, they seemed to possess some of the ingredients for future prosperity, and

Whereas prior to termination the Menominee Indians in Wisconsin had $10,000,000 in the United States Treasury, a source of income and employment in their lumbering operation, ownership to the forest itself, and

Whereas the Menominee people were one of the three Indian tribes in the nation capable of paying for the cost of most of their federal services, and

Whereas subsequent to the 1954 termination, the once impressive $10,000,000 assets of the Menominee have vanished rapidly, due to the costs of termination, so as to result in an annual loss today of $250,000, and

Whereas the Menominee people, at the time of termination, numbered 3,200, and

Whereas the vote which led to termination was 169 to 5 in favor of the "principle of termination", the voting populations thereby represented only 5 percent of the total Menominee population, and

Whereas the termination plan was so complex and lengthy that the vast majority of Menominees believed that their choice was between accepting the termination plan or having one imposed upon them, and

Whereas the alternative of composing a new plan or modifying the existing plan was never made clear to the Menominees, and

Whereas the tribal council, acting in the belief that they had no alternative, approved the termination plan that most Menominee had not even read, much less comprehended, by a vote of 91 to 16 thereby determining the fate of 3,270 Menominee, and

Whereas Congress did not conduct careful and intensive studies on the possible effects of such unprecedented legislation, and

Whereas Congress neglected to discover the Menominees true feelings about termination, and

Whereas subsequent to termination, Congress has withdrawn trusteeship of Menominee lands, thereby forcing the said land to be sold to non-Menominee, and

Whereas Congress extinguished the system of tribal ownership of land thereby resulting in the Menominees having the purchase land which had previously been their own, and

Whereas termination resulted in the Menominee losing their right to tax exemption, their BIA health, education, and utility services, their medical and dental care within the Reservation confines, their entitlement to United States Government benefits, and

Whereas termination has closed the Menominee tribal rolls thereby denying the Menominee children, born after 1954, their birthright to be Menominee Indains, and

Whereas the present assets of the Menominee are now controlled by a corporation which is effectively run by an eleven man Voting Trust which does not always represent the will of the Menominee people, and

Whereas the Menominees never wanted such changes imposed upon them but agreed solely because the policy of termination was never made clear to them: therefore be it

Resolved. That the Great Lakes Intertribal Council goes on record strongly and firmly in support of:

1. Senate Concurrent Resolution Number 26 which would reverse the policy of Congress as to termination;

2. The Menominee Indian people in their effort to restore the Federal Services that have been denied to them since termination;

3. The Menominee Indian people in their effort to restore the property held by the corporation to tribal status and to prevent further dissipation.

Mr. KENOTE. Mr. Chairman, might I ask permission of the committee to hear Senator LaFave, who has been directly connected with the Menominee project ever since its inception in 1955, as far as the State of Wisconsin is concerned.

Senator BURDICK. Do you have questions?

Senator STEVENS. I don't have questions, Mr. Chairman. I asked the Library of Congress to look up the history of this. I think it would

be very interesting if you would let me go back to this morning where I put other things in the record and put in this. I would call the attention of our friends to the fact that there are 11 lines in the Senate record on the day that House Concurrent Resolution 108 passed. It was considered at the time a very noncontroversial resolution.

We couldn't have considered it otherwise, or there would have been someone who would have said something about it. To make this record complete, I think we should put the report in, and have the comments on the floor. They are very short, both in the House and in the Senate.

Senator BURDICK. It will precede the excerpts from the Congressional Record.

(The material submitted by Senator Stevens is in the appendix.)

Mr. KENOTE. With respect to 108, may I make this comment? I have searched the records of the Menominee Tribe as to anything on 108 pro or con, and I find an absence of any attention to it, or any appearances here.

It seems to be that it went through the Congress without much reference to the field of Indian affairs.

Senator STEVENS. You weren't here this morning when I quoted from Senator Kennedy's subcommittee study which traces the history of the study, which shows it was a continuum from 1937 to 1953. It shouldn't have surprised anybody, because it had been the policy of the Department of the Interior for at least 2 years, and probably more than that.

This outline outlines it very well, and my point is that as we go ahead with this one, I would hope that we develop a full scale on the record history of what we are doing so that if those who come after us 20 years from now are told that we were wrong, I should think that we ought to know, history ought to know where we are going and why we are doing it.

This was an administrative policy that was endorsed by the Congress. There was very little debate—no debate.

Mr. KENOTE. I would certainly agree with you, but I would add this, that with respect to the Menominee votes on the idea of termination, those were, I would have to say, those were very improvident votes based on absolutely insufficient information as to the ramifications that would take place.

Now, I remember the record made on the hearings in March of 1954, the tax commissioner of the State of Wisconsin representing the Governor made a very cogent presentation on the possible tax impact on the community, and I remember Senator Watkins in an elevator with Bill Zimmerman and myself and some others, was saying that this was a pious attempt to delay the termination process.

It was not that whatsoever. It was a pleading to the Congress and the Government to take a longer look at this problem before you made a precipitous determination.

If those things had been followed, many of the things that Miss Deer has in her statement would not have taken place, and many of the things that are in my statement would have been much easier resolved on a more gradual basis.

Senator STEVENS. I think you are right.

Senator BURDICK. You may proceed.

STATEMENT OF HON. REUBEN LaFAVE, SENATOR, WISCONSIN LEGISLATURE

Mr. LaFave. Mr. Chairman and members of the committee; it is indeed a pleasure to appear here today. My name is Reuben LaFave, a member of the State Senate of Wisconsin and a member of the Menominee Indian Study Committee since 1955. I have served as the chairman since 1965.

The Menominee Study Committee was established by the State legislature in 1955 to deal with Menominee Indian's termination problems. It has been continued in office since 1961 to keep abreast of the many governmental, social, and economic problems facing the tribe. I would like to make a few remarks on the Menominee experience.

When Public Law 399, 83d Congress (Menominee Termination Act) became effective, the Menominee Reservation became Menominee County. Not only was Menominee the newest and the smallest county, but it is saddled with the dubious distinction of being the poorest in the State. The county was ill prepared to compete in the modern world. Their problems were numerable. The tax base was minimal. The county's only industry, Menominee Enterprises, Inc., had to pay over 93 percent of the taxes. The lumber mill did not meet State safety standards and had to be substantially remodeled. The community health level was far below the State average. Tuberculosis was rampant.

The hospital did not meet State standards, and did not have the finances to remain open. The employment opportunities in the county were limited. Most Menominees were either unemployed or underemployed. The people lacked the education and training to compete for jobs in the surrounding communities.

Ten years have now lapsed and Menominee County is a success. But it is a success not because of, but rather in spite of termination. The progress has been remarkable but it cannot be expected that the Menominees accomplish in 10 years what it took the white men to do in 100. Many problems still exist and financial assistance is very necessary.

The State of Wisconsin has endeavored to supply services and financial support otherwise not available. In the past, the State legislature has adopted several pieces of legislation beneficial to the Menominees. This legislation has included appropriations of $99,000 for tuberculosis care; $300,000 for construction of the Wolf River bridge and highway work, and $950,000 for preservation of the Wolf River. Since 1961, the State of Wisconsin has also provided for a consultant to Menominee who assists in county administration.

Presently before the State legislature are several proposals to provide financial assistance and services to the Wisconsin Indian, particularly the Menominees. The fiscal impact for all the Indian proposals totals $480,508, with $215,008 specifically designated for Menominee County.

The Menominee proposals would appropriate a minimum of $50,808 for health care services that had previously been provided for with Nelson-Laird funds; $85,000 for bridge construction and highway improvements; $20,000 for welfare relief, and pay for Menominee County's share of vocational school taxes. These bills also provide

for services that are made available to other Indian tribes by the Federal Government. These included funding for Indian home school coordinators for students not residing on tax-free lands and college scholarships for Menominees to parochial schools.

But even as vital as these proposals are, the State of Wisconsin deems Federal assistance more essential. The Menominee Indian Study Committee has reaffirmed the need for the continuance of funds similar to those provided by the Nelson-Laird Act (Public Law 89–653) particularly for school and sanitation costs.

This year the State legislature has endorsed legislation requesting the Termination Act be modified so that the Menominees be eligible for health, education, and welfare benefits normally available to other Indian tribes. And the resolution to President Nixon has been sent to issue a departmental directive to this effect.

In conclusion, I would like to reaffirm my support of Senate Concurrent Resolution 26, with qualifications. For the Menominees there is no turning back. But what happened to the Menominees should not and cannot happen to the other Indian tribes of America.

I want to also follow upon my statement, Mr. Chairman, by supporting the statements made by George Kenote and the resolution adopted by the Menominee Enterprise and the board of directors for Menominee County on the Nelson-Laird funds and other funds similarly provided for other tribes in America. They should be provided for the Menominee.

The Nelson-Laird funds, Mr. Chairman, in my opinion, should be provided for a minimum of at least 5 years, as soon as possible.

Mr. Chairman, thank you.

Senator Burdick. Thank you for that very illuminating testimony.

Mr. LaFave. I have documents here which I would like to file from 1965 report on Menominee Indians to the Wisconsin Legislature and the 1968 report of the Menominee Indian Study Committee to the Wisconsin Legislature.

(The 1965 and 1969 reports referred to were retained in the committee files.)

Mr. LaFave. I would also like to place on file with your records the State senate bills numbered from 493 through 502 as an Indian package on legislation now before the Wisconsin Legislature.

Along with that, I also have Senate joint resolutions which were passed unanimously on this problem, Nos. 77 and 78.

Also, Mr. Chairman, I would like to put my statement in the record.

Senator Burdick. Your statement will be made a part of the record, and the other items referred to we will see for the files.

(The material submitted by Mr. LaFave is in the appendix.)

Senator Burdick. My question is, getting back to how we got into this, why wasn't there some opposition by the general council or somebody back there in 1953 or 1954 before you took this route?

Mr. LaFave. Mr. Chairman, I wish I had had the opportunity to do so. I was a new member of the legislature just before termination in 1955. As I was appointed on the committee in 1955, I opposed termination, which never got to Congress. I opposed it bitterly before the State legislature and before the Menominee Study Committee. My message did not get to my Congressman.

Senator BURDICK. Apparently this opposition didn't get to the committee at all. I have searched the record. Congressman Laird said it had the support of a general council after a general meeting.

The committee didn't know any better, either.

Mr. LAFAVE. Senator, I am sure when you were a new Member you didn't have as loud a voice as you do now. It was the same for me when I first came to the Wisconsin legislature. I was not listened to as much as I am now.

Senator BURDICK. One of the things I am thinking about is that I like the new policy for Indians to determine their own affairs. In this case, they determined their own affairs to their detriment, apparently.

Mr. KENOTE. May I respond to that, Senator?

Senator BURDICK. Yes.

Mr. KENOTE. I would agree with some of Miss Deer's statements. On June 30, 1953, when Senator Watkins was at the Menominee General Council, there was a pretty hasty vote taken, 169 for the idea of termination and 5 opposed. Following that, legislation was introduced, The tribe then rejected the legislation that was introduced by a vote of 193 to nothing, something to that effect.

Then the tribe set up what was called a planning committee, and they developed a form of terminating legislation which was in more gradual stages. This is probably what Congressman Laird was referring to as our submission.

But during the hearings, Senator Watkins' plan in the Government version of the terminating plan was substituted, and eventually passed. When you say we agreed to termination, we did submit a termination plan which was not adopted. Senator Watkins' and the administration bill was adopted instead, and we were not prepared for that one.

Senator BURDICK. Senator Anderson.

Senator ANDERSON. No questions.

Senator BURDICK. There is a lady.

Mrs. HARTE. I am Joan Harte, Menominee.

I don't know what Senator LaFave's yardstick for success is, but the Menominee Enterprise is a fiasco, and all of termination is.

Senator BURDICK. Does any other member of the panel wish to say anything?

Mr. IGNACE. I am a member of the Menominee Tribe and a member of DRUMS, and a member of the board of trustees of Menominee Enterprises. I would also like to question Senator LaFave's statement when he says Menominee County is a success. I would like to bring up one statistic, the most recent one, of this State, when they say 73 percent of Menominee County residents are living under substandard housing. He said it took the Menominees 10 years to get to acquire what the white society has done in 100.

Well, to me, we are just exactly where we were before termination, and I don't think anything has changed, and we are getting worse and not any better.

Mr. WHITE. I would like to say one more thing, Senator. I was somewhat intimidated by your question this morning about the Menominees had agreed to the termination.

Senator BURDICK. I wasn't here in 1954. All I can see is the record here.

Mr. WHITE. You have asked several other questions of others regarding what do we do when other Indian tribes come before us like the Menominees and ask for termination.

Well, I would like to add to that by telling you that if that ever happens in the future, I would like the opportunity to take these people up on the Menominee Indian Reservation and show them the destruction that is not only happening to our land, but our people, and if these people are still bent on self destruction, then somebody has got to sure as hell help these people change their minds. I think the responsibility for that would have to fall on the people they are asking to terminate them.

Senator BURDICK. Certainly you have very graphically described what has happened to the Menominees.

Mr. FOSSUM. Sir, right now we are faced with a pollution abatement order from the State of Wisconsin. It is something we cannot take care of at this time. It is brought out that we need about $1,500,000 to update our sewer and water facility in Menominee County. Now with this pollution abatement order, we are subject to a fine, in hearings last week, $210,000 a day. We can't afford that.

I don't think anybody can. It will be a national disgrace to Congress and also all the States involved with the Indians to have Menominee County go down and face a fine of $10,000.

(The complete statement follows:)

STATEMENT OF JOHN L. FOSSUM, SUPERVISOR TOWN/COUNTY BOARD, TOWN OF MENOMINEE, MENOMINEE COUNTY, WIS.

Mr. Chairman and members of the committee, the experience of members of local government in Menominee County, Wisconsin, which area, the former Menominee Indian Reservation has been a very sad and delicate affair since termination of Federal supervision on April 30, 1961.

The continued existence and functioning of local government depends entirely on aids and subsidies of the Federal Government for present and future needs, whether or not such provisions barring federal assistance are repealed in the Termination Act, as of June 30, 1971. The last of the so-called Nelson-Laird Funds have been exhausted and needless to say, without such assistance Menominee County and Menominee Enterprises, Inc., the business corporation, would be bankrupt today. Transition costs of termination is but a small fraction of similar costs borne by federal funds in accepting the Statehoods of Alaska and Hawaii, former territories.

The great experiment of Joint Resolution 108, in naming such Indian Nations ready for federal termination is today, after ten years of trial and effect, regarded by conscientious citizens in the United States as disastrous, immoral and degrading, bordering on an attempt to exterminate the American Indian through legislation. It is here pointed out specifically that the costs of administration and supervision under the Bureau of Indian Affairs of Indian Nations, has risen almost sthreefold, since Resolution No. 108 became effective, such costs, under Congressional policy was designed to evaporate Indian appropriations advocated by the Hoover Commission. Notwithstanding, the facts now available indicate that the overall attempt, succeeded to a degree to separate the American Indian from his properties. The Menominees, no less, have felt the impact and had to dispose of certain acreage to finance the needs of local government.

My appeal, along with the Menominee Nation stresses earnestly that immediate measures be pursued to repeal applicable sections of the Menominee Termination Act, which deny the Menominee Nation federal appropriations in the fields of Health, Education and Welfare. By such humanitarian effort and effective wholesome legislation, the American Indian and my own Menominee peoples will be able to conserve the remaining heritage of Indian properties and instill a spirit of encouragement to be counted among the members of a peaceful society in the wentieth century of America.

Figures as to the needs of local government at present and the ever escalating expenses are absolutely prohibitive and such costs cannot be absorbed by taxation upon our forest and sawmill properties without creating insolvency in Menominee economy. Our forest is not only our bread and butter, but it constitutes an asset and resource of the United States as well. It cannot be in any way conceived to levy further taxation on an impoverished people and it is remarkable that our people have answered the call to their limit for the sacrifices made to enable functioning of local government.

Attention is also called to a problem whereby, Menominee County is requested to produce $43,000.00 to assist in the financing of the Antigo Vocational and Technical School at Antigo, Wisconsin, a city nearby Menominee County. An appropriation of $1,360,000.00 was initially granted to the school, known as the Fifteenth (15) District of Area Vocational Technical and Adult Education. Of this amount, $680,000.00 was an E.D.A. grant with special emphasis. Such grant was the Menominee County share of the construction of the school, which facilities have been available and used by a number of Menominee people for educational skills. The amount assessed Menominee County of $43,000.00 is presumed to be our share of the tax levy. We cannot seem to find such funds in our budget or hope to meet the specific requirement. The Vocational School burden in Menominee County is unjust.

Another problem to which I direct attention concerns faulty sewer and water mains in the villages of Neopit, Keshena and Zoar. Contract obligations of installing such facilities have resulted in dire consequences to residents and required home owners expense in correcting some areas affected. The level of some such installations were only two feet under ground which is entirely inadequate for the severe Winter months of Wisconsin. It is apparent that some remedial appropriations and authority be sought to remedy existing facilities necessary to meet the standards of the State of Wisconsin. Herein below are set forth figures projected to accomplish necessary and needed construction in the respect advanced for *non-pollution,* now a prime requisite in general welfare of communities. A figure of $1,500,000.00 has been asserted by qualified engineers employed by the Town of Menominee to satisfy the legal objections of pollution and abatement orders as existing.

Included among other items that are necessary for some recertification now appears imminent immediately to counteract to some degree the action of the Department of Natural Resources of Wisconsin, that pollution of certain areas in Menominee County are subject to possible fines of $10,000.00 a day while each Circuit Court Orders of Dane County, Madison, Wisconsin prevail. Menominee County with the experience and the dire necessity of operating funds and lack of a substantial tax base cannot absorb the tremendous requirement of this burden.

It is kept in mind that with no experience in the exercise of local government in Wisconsin and the absence of management of corporate know-how, the Menominee people, during the past ten years have made a diligent effort to conform to the wishes and mandate of the Congress. Set forth in the foregoing statement comprises a reconciliation of rebatement facts due to the termination.

The Menominee Town/County Board of Supervisors in a special session on July 19, 1971, do hereby wholeheartedly support State of Wisconsin 1971 Senate Joint Resolution which provided the Menominee Tribe of Indians the assistance in these departments. The pilot first Indian County of the United States of America, with competent federal guidance, could possibly be a success.

We also endorse Senate Concurrent Resolution 26; we hope the Congress and related agencies of the Executive Branch of the United States will see fit to honor our plea toward a successful county and also its survival.

As representative of the Town and County Boards of Menominee, Wisconsin, I respectfully submit that Senate Concurrent Resolution 26 should pass.

I thank you for this opportunity to add our comments at this time.

MENOMINEE COUNTY,
COMMUNITY ACTION PROGRAM, INC.,
Keshena, Wis., July 21, 1971.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SIR: The Menominee County Community Action Program, Incorporated, Governing Board, recognizing and addressing itself to the problems and poverty

brought upon the Menominee Indians by House Concurrent Resolution No. 108 enacted in 1953 (and subsequently Public Law 399–83d Congress—Menominee Termination Act), hereby endorses the official Repeal of this Act as introduced by Senator Henry M. Jackson in Senate Concurrent Resolution 26.

The Menominee County Community Action Program, Incorporated, Governing Board supports the request by Menominee Enterprises, Incorporated, made in behalf of Menominee people for extension by the Nelson-Laird Bill Public Law 89–653.

The Menominee County Community Action Program, Incorporated, Governing Board in unison with all Menominee people supports the recognition of Menominees as American Indians and as being eligible for all benefits granted to American Indian peoples.

Yours very truly,

Mr. Frances W. Walker,
Chairman, Governing Board.
Mrs. Sarah L. Skubitz,
Executive Director.

Resolution—Joint Meeting of the Menominee Common Stock and Voting Trust and the Board of Directors of Menominee Enterprises, Inc.

Resolved, That the Board of Directors and the Menominee Common Stock and Voting Trust of Menominee Enterprises, Inc., Neopit, Wisconsin, in a joint meeting at Keshena, Wisconsin, this 15th day of May 1971, considering all the economic and social circumstances of the Menominee tribal community since May 1, 1961, find it necessary to respectfully request:

1. The Wisconsin members of the United States Senate and House of Representatives to initiate legislation that will—

(*a*) continue Federal tax-relieving aids similar and in the same amounts provided in Public Law 89–653, to be available for relief in 1972, and

(*b*) reestablish the eligibility of Menominee Indians to participate in Federal educational, health and welfare benefits involving economic aids available to other Indians of the United States.

2. The Bureau of Indian Affairs to accelerate the completion of its report now due to the House Committee on Appropriations in March of 1972.

3. The Menominee Indian Study Committee of the State of Wisconsin to concur and to assist in securing this legislation.

4. The Town and County Boards of Menominee County, Wisconsin to join in the adoption of a similar resolution: Be it further

Resolved, That a copy of this resolution is respectfully submitted to the Governor of the State of Wisconsin for information and such supportive action as he may deem appropriate and necessary.

Motion to adopt resolution as read made by Director Jerome A. Grignon, seconded by Director Gordon Dickie Sr. Motion passed by the following vote—11 Directors voted in favor, none opposed, 1 absent; 9 Trustees voted in favor, none opposed, 2 absent.

I certify the above shown resolution and adoptive motion is a true and accurate recording of the action taken at this meeting and is so recorded in the Minutes Books of this corporation.

Letitia B. Caldwell,
Assistant Secretary of Menominee Enterprises, Inc.

Shawano, Wis., *September 2, 1970.*

Mr. John Fossum,
Chairman, Sewer and Water Committee,
Town of Menominee, Neopit, Wis.

Dear Mr. Fossum: At the request of your committee I have evaluated the sewer and water needs of the three unincorporated villages of Keshena, Neopit, and Zoar in your township. These needs were arrived at after consultation with members of the Town Board of Menominee, Mr. Hilary Waukau, Sr., Resource and Business Development Division of Menominee Enterprises, Inc., and with Mr. James Plass, Sup't. of the Sewer and Water Utility.

The scope of the listed projects are intended to provide sewer and water extensions into areas not presently served and which are designated for development

in the immediate future, to renovate areas of the present system which are inadequate to reduce maintenance costs in those areas in which they are presently quite excessive, and to correct deficiences in the present system.

The estimates listed are predicated upon preliminary field investigations and upon construction costs as they exist today. You will note that I have added 20% to the totals for each village to cover contingencies and, more importantly, to cover anticipated increases in the construction cost index for the next two years.

The estimated requirements are summed as follows:

Village of Keshena	$1, 234, 800
Village of Neopit	757, 200
Village of Zoar	108, 600
Total amount required	2, 100, 600

Very truly yours,

R. W. Pedersen, P.E.,
Consulting Engineer,
Town of Menominee, Menominee Co.

Village of Keshena, Menominee County, Wis.

A. Sanitary sewer and water extensions—

(*a*) From present terminal point in Keshena, Southerly to South County line; Westerly on Town Road to Duquaine residence; Westerly on Town Road to Dodge residence; Easterly to future subdivision area North of Keshena grade school: These extensions are required for industrial, commercial and residential development of this area. Location and topography are ideal for such development.

Estimated cost of these improvements: $240,000.

(*b*) Fairgrounds area, Southerly of Wolf River: There are no present facilities in this area. A number of residences in the area are contributing to the pollution of the Wolf River. The fairgrounds, which host a number of events during the year, including the fair, ball games, and special events, have no sanitary facilities, and likely will be closed down by Wisconsin authorities unless such facilities are provided.

Estimated cost of these improvements: $162,000.

(*c*) Proposed recreation complex lying Westerly of Fairgrounds area: This area is under intensive investigation and planning for development of a resort-recreation complex to provide greater employment base for residents and to increase tax base. Year-around recreation facilities are being planned.

Estimated cost of these improvements: $91,000.

(*d*) Visitor Destination Center to Logging Museum area, County Highway Department, Conservation Department area, and several residences: Concentration of the listed occupancies along the Wolf River will constitute a substantial pollution problem for the river, but is important asset to the community. Future development of the area could also be realized from the above improvement.

Estimated cost of these improvements: $116,000.

B. Sewage treatment facilities, including stabilization lagoon, lift station, and force main—Keshena is presently under state orders to abate pollution, and to effect a greater degree of treatment than is presently possible. U.S. Public Health Service presently has this facility in planning stage.

Estimated cost of these improvements: $200,000.

C. New well, storage tower, control system, and necessary investigations for the same—The community has only one source of water presently, and must have reserve system in case of failure. Planned future developments as above listed will also require additional water supply. Frequent power outages indicate need for auxiliary power supply to keep at least one water supply in service.

Estimated cost of improvements: $75,000.

D. Iron removal equipment for water supply—Iron content in water is extremely high, and requires removal to comply with Wisconsin standards. Present water supply, without removal, would be a serious drawback to development of tourist attractions.

Estimated cost of improvements: $40,000.

E. Miscellaneous items, as follows:

Accurate as-built plans of existing system	$15,000
New storage building, for plant and equipment	30,000
Individual sanitation facilities	40,000
Maintenance and repair equipment	20,000
Subtotal for Keshena	1,029,000
Plus 20 percent contingency	205,800
Total required for Keshena	1,234,800

VILLAGE OF NEOPIT, MENOMINEE COUNTY, WIS.

A. Sanitary sewer and water extensions—

(*a*) Renovate facilities in Block Nos. 15 and 16: This area is planned for development as an industrial park, but requires rather extensive grading and site work. Some of the area is presently served with sanitary sewer and water, but it would be necessary to re-lay these facilities after grading is accomplished.

Estimated cost of these improvements: $20,000.

(*b*) Extend facilities Northeasterly along C. T. H. "M" to so-called Camp 15 area: This area is planned for industrial development. It is the only area near Neopit which, for reasons of topography, can readily be developed for industrial purposes, in order to improve the employment sector in the area.

Estimated cost of these improvements: $213,000.

B. Sewage treatment facilities, including stabilization lagoon, lift station and force main—Neopit is presently under state orders to abate pollution, and to effect a greater degree of treatment than is presently possible.

Estimated cost of these improvements: $200,000.

C. New well, control system, and necessary piping, together with necessary investigations for the same—The community has only one source of water presently available, which utilizes water from the West Branch of the Wolf River. The present filtration plant is expensive to maintain, particularly since the water source is subject to pollutants from up-stream. Filtration plant capacity is deemed inadequate for peak demand periods and fire protection.

Estimated cost of these improvements: $50,000.

D. Miscellaneous items, as follows:

Accurate as-built plans of existing system	$10,000
New storage building, for plant and equipment	30,000
Individual sanitation facilities	60,000
Remodel and repair existing filtration plant	38,000
Maintenance and repair equipment	30,000
Subtotal for Neopit	631,000
Plus 20 percent contingency	126,200
Total required for Neopit	757,200

VILLAGE OF ZOAR, MENOMINEE COUNTY, WIS.

A. This village has no sanitation facilities. Its water supply system is totally inadequate, although 2 existing wells can be renovated to supply adequate water. A number of additional housing units are planned by the Menominee County Housing Authority. The following items are required to update this facility:

Install sewer and water lines	$39,000
Sewage treatment plant	35,000
Renovate pumping equipment, provide new pumphouses and pressure system	12,000
Provide service connections	4,500
Subtotal for Zoar	90,500
Plus 20 percent contingency	18,100
Total required for Zoar	108,600

Mr. FOSSUM. The ADA a couple of years ago built a school about 20 miles from the reservation. The total cost was about $1,300,000. Of that, the ADA funded for Menominee County $680,000. Right now, we are faced with a tax assessment of $43,000.

We have no money to pay it, Senator.

I thank you.

Mr. WHITE. I would like to make one more statement. That is with regard to the continuation of the Nelson-Laird fund. This is not the solution to the problem. By getting more Nelson-Laird funds to pour bad money after bad money is no solution to our problem. We did not come here to ask and beg the Federal Government for more money. We ask them to right the wrong that resulted from termination, and pouring this money, the Nelson-Laird funds, to support the losses that have already been made is just nonsense.

It is not the solution to our problem.

Mr. LAFAVE. Mr. Chairman, I have two more documents for the committee. One is "Sanitation Costs," what it would cost to bring them up to date.

The other one is the projected enrollment in the schools and the costs.

I would like to place these in the record rather than take your time.

Senator BURDICK. They will be received.

(The documents follow:)

(The document "Sanitation Costs," referred to in this hearing, was not received in time for inclusion in the record.)

PROJECTION OF ENROLLMENTS, EQUALIZED VALUATIONS AND LEVIES FOR 1970–71 THROUGH 1974–75

	Enrollments			Equalized valuations		
	Menominee County	Total, Shawano School District	Percent in Menominee County	Menominee County	Total, Shawano School District	Percent in Menominee County
1969–70				$19,406,000	$104,449,200	18.51
1970–71	671	3,656	18.35	21,564,500	110,503,200	19.58
1971–72	679	3,694	18.38	23,721,000	118,721,000	19.98
1972–73	687	3,773	18.40	26,093,100	127,093,100	20.53
1973–74	694	3,770	18.40	28,702,400	136,575,600	21.02
1974–75	702	3,807	18.40	31,572,600	146,662,900	21.53

	Levies				
	Shawano School District budget	Percent	Shawano School District levy	Percent of Shawano District valuation in Menominee County	Shawano School District levy for Menominee County
1969–70	$2,861,250	[1] 66.3	$1,897,020	18.58	$352,466
1970–71	3,050,156	[2] 65.8	2,005,633	19.51	391,299
1971–72	3 374 604	[2] 66	2 227,239	19.98	445,002
1972–73	3,720,530	[2] 66	2,455,616	20.53	504,138
1973–74	4,158,057	[2] 66	2,744,318	21.02	576,856
1974–75	4,575,166	[2] 66	3,019,610	21.53	650,122

[1] Actual.
[2] Projected.

Mr. LAFAVE. The Menominees govern themselves. I didn't say termination was a success earlier. I just wanted to be sure that is clearly understood.

Senator BURDICK. The next witnesses will be Al Elgin, director, model urban Indian center project, Washington, D.C.; Suzy Pittman, director, Kinatechitapi Indian Council, Seattle, Wash.; Robert Carr, director, Upper Midwest Indian Center, Minneapolis, Minn., and Sam Kito, director, Fairbanks, Alaska.

STATEMENTS OF AL ELGIN, DIRECTOR, MODEL URBAN INDIAN PROJECT, WASHINGTON, D.C.; MISS SUZY PITTMAN, DIRECTOR, KINATECHITAPI INDIAN COUNCIL, SEATTLE, WASH.; ROBERT CARR, DIRECTOR, UPPER MIDWEST INDIAN CENTER, MINNEAPOLIS, MINN.; AND SAM KITO, DIRECTOR, FAIRBANKS NATIVE COMMUNITY CENTER, FAIRBANKS, ALASKA

Mr. ELGIN. It is an honor to sit before this committee, but it is with sadness of heart to know the Federal Government has failed in its commitment to our people and that a new national policy has to be adopted that speaks to the desires and needs of all Indians. I welcome this opportunity to testify on this occasion.

Before proceeding with my statement, I would like to introduce other members of this panel. Miss Suzy Pittman, director of the Kinatechitapi Indian Council in Seattle; Mr. Robert Carr, director of the Upper Midwest American Indian Center in Minneapolis; and Mr. Sam Kito, director of the Fairbanks Native Community Center in Fairbanks, Alaska.

I will not take up your time by reading the complete text of my statement but would request that the full testimony be included in the record of this hearing.

Our people, living within the cities of your Nation, have either gone unrecognized or have been overlooked by responsible public officials and until very recently remained a population unrelated to most Federal programs. Public ignorance about this population is excusable, but, for the continued neglect of the manifold needs of our people by the Federal, State, and local public agencies, there can be no excuse.

The President's message of July 8, 1970, speaks of the greater involvement of Federal agencies in meeting the needs of our people living within the cities. And, included within his statement was the support for an interagency-funded model urban Indian center project, which would demonstrate what could be done by four urban Indian communities to work with public agencies to meet the needs of urban Indian people and train our people to plan and operate their own programs.

Attached to my full statement is a summary of the model urban Indian center project. Senate Concurrent Resolution 26, for the first time, incorporates into national policy the concern for all Indians who may have needs, wherever they may reside.

HISTORY

The genocidal wars came to an end during the 1890's with agreements that services by the Federal Government would take care of needs of our people. Reservations were established, and for many years now we have been taken care of.

Citizenship rights were granted under law in 1924, yet in many areas this is meaningless. During the past 75 years, we have lost over half of our land, large amounts through the reservation termination policy pursued by Congress under the House Concurrent Resolution 108.

The migration to cities began during World War I and continued during the Second World War, with a lot of our people seeking a greater share of the economy provided for by wartime industry.

In 1951, the Bureau of Indian Affairs initiated a relocation program with authority from Congress through Public Law 959. Many were encouraged to move to urban areas to be trained, to be assimilated into the mainstream of American life.

In 1955, the Adult Vocational Training Act was passed, giving the Bureau's relocation program considerable support, but no less restrictive. The employment assistance program has and continues to serve only a minority of the many people who have migrated to the city seeking economic relief and a possible chance for the future.

Its emphasis solely on vocational training has limited the potential employment opportunities. As to the availability of employment situations after training, another member of this panel will speak to that issue.

No one knows the total off-reservation population; we anticipate that the 1970 census will reflect a goodly number, yet far below the estimated head count. The very fact of not being able to provide an accurate record of this needy population, coupled along with the absence of a strong political base, curtails most efforts in obtaining adequate funds to meet those needs aforementioned.

In 1970, 12,809 family units were relocated by the Bureau's relocation program; if you would multiply this by four or five, you would have just an idea of the numbers of people who have moved to the cities. Even though some of these people are provided for under the relocation program, most are not covered by such a program. Although Indians coming into the urban areas are entitled to the same services provided by public health, education, welfare, housing, and employment programs available to all citizens, the fact is these services have not been reaching the urban Indian people.

In many cases, our people seeking such assistance are told erroneously by receptionists and administrators that as Indians they should naturally go to the Bureau of Indian Affairs or to the Indian Health Service for help.

The story has been told many times; if the Government had lived up to its agreements written into innumerable treaties, the reservations across this land would now be able to provide job opportunities, housing, and health care so that our people would not have to migrate elsewhere.

The fact is that most reservations cannot meet the demands of an expanding economy, and that the restricted Government programs are inadequate. When coming to the urban areas, many Indian people forfeit their rights to receive services provided for at home; but this does not change the fact that some of those same needs have followed them to the city.

We need a policy that can provide a mandate to the Government to improve the quantity and quality of life for urban Indians. Senate

Concurrent Resolution 26 can provide this. But much will depend on forceful execution by the human service agencies in the executive branch. You will find in our prepared testimony, as submitted, the almost endless list of facts and figures that describe the existing conditions of many communities.

We recognize that providing service to individuals is not enough, nor is it enough to merely educate the public, but somehow Federal agencies have to become involved, as indicated by the President's message. Senate Concurrent Resolution 26 can open that door for a start.

Other members of this panel will discuss the problems and programs they work with directly. My concern is that, until adequate laws and administrative procedures are established, many of our people will not be included in programs that are relevant to their areas of need.

With this intent in mind, I offer support for Senate Concurrent Resolution 26 and look forward to its adoption by Congress.

Other members of the panel will testify in this order: Miss Suzy Pittman, followed by Mr. Robert Carr and Mr. Sam Kito.

Mr. ELGIN. Miss Pittman.

STATEMENT OF SUZY PITTMAN, DIRECTOR, KINATECHITAPI INDIAN COUNCIL, SEATTLE, WASH.

Miss PITTMAN. I would like to address myself to Senate Concurrent Resolution 4 that states the executive branch of the Government shall be charged with the responsibility of developing program efforts to assure that Indians and Alaskan native peoples residing in the areas determined to be beyond the scope of the Bureau of Indian Affairs and the public health hospitals receive services and attention that are commensurate with their diverse social and economic needs.

I would like to address myself to the employment situation in the urban areas.

American Indians living in the urban centers are by far the most forgotten of the American people when it comes to providing assistance that would enable them to become self-sufficient.

Lack of understanding by society of the value systems and cultural differences create a gap that continues to broaden by the movement of other ethnic minorities.

Urban Indians share, to some extent, the unique differences that society has placed upon reservation Indians. For instance, many of the urban Indians have been raised on reservations and have grown to be alienated to the urban centers, his education has been academically low, until the early 1950's he did not have the opportunities to begin the process of assimilation into society. As it stands today, the Seattle organizations have found that approximately 35 percent of the Indian population practice migration to their respective reservations.

Employment and employment training agencies in urban areas receiving Federal moneys practice gross discrimination on both local and Federal levels against the American Indian.

I will credit the blacks for their movement that enabled many of the antipoverty programs to come into existence, and I will credit the legislative body in recognizing the needs of the blacks of America. However, both should be aware of the fact that there are not only

Indians but other ethnic groups that are in as much need of assistance as the blacks.

In approaching programs such as the concentrated employment program (CEP), we find that their target area is restricted to the black community and that a quota system in their contract reads that for each training period they—CEP—will receive 70 percent black, 20 percent white, and 10 percent other.

A series of meetings were held between various organizations and CEP; the results of these meetings were to expand the target areas to the various pockets of disadvantaged communities. However, the problem was only half licked as the quota system remained intact. In attempting to deal with this problem, we were informed that the local level had not been involved in the decisionmaking of the above mentioned, and that we would have to deal with the officials in Washington, D.C.

Indians are forgotten in programs such as new careers, public service careers, employment supplement program, work incentive program. Perhaps the term "forgotten" is not proper, for when a particular program becomes aware of an oncoming evaluation, they suddenly show a great interest and concern in the American Indian.

Programs such as Opportunities Industrial Centers (OIC) receives moneys from OEO, HEW, and DOL. It would be logical to assume that OIC receiving all of this funding would be available to all disadvantaged regardless of race, color, or creed. However, their national convocation held in Seattle showed that OIC throughout the Nation is black oriented.

This awareness of the knowledge that OIC was not only black oriented in Seattle, but throughout the Nation, moved me to address the national convocation and to remind them that there were other minorities who were in dire need of utilizing their services.

Dr. Sullivan then asked that it show in official records that OIC would bring up to par with the blacks other minorities before the 1972 convocation. Seattle has since then received $60,000 to run an integrated Indian OIC program.

By "integrated" I mean that this program will be administered by the blacks (SOIC). The moneys for the program were allocated in May. It is now the latter part of July and the program still has not been implemented.

I might also add that at the national convocation the Department of Labor gave the national OIC convocation $10 million to run their programs on, well knowing that OIC is not available for all those who need it.

The Seattle Indian community has worked very diligently to attempt to implement the program, but, there are a large number of barriers and roadblocks that have been put up by SOIC to break down.

I would at this time like to propose a number of recommendations that may be considered by this committee.

1. Fund urban Indian centers with multiple-funding sources to cover the multiple problems of the urban Indian.

2. Create advocate agencies that would speak out for the urban Indian not only regarding employment, but education, medical, and

cultural needs. Perhaps in these agencies, there could be established sensitivity teams who would orient the business, agencies and institutions of the unique differences of the urban Indian.

3. Deal with the unfairness of the Federal Government in establishing such things as quota systems, and insure or rather develop a process that would insure other minorities of their rights to obtain access to employment training.

4. Since approximately 40 percent of the Indian community in Seattle—at least in the skid row area—are Canadian citizens, I would encourage the U.S. legislative body and the Canadian legislative body to meet and discuss possible ways of assisting these human beings.

Thank you.

STATEMENT OF ROBERT CARR, DIRECTOR, UPPER MIDWEST INDIAN CENTER, MINNEAPOLIS, MINN.

Mr. CARR. Mr. Chairman, and members of this subcommittee. My name is Robert Carr, and I am a member of the Laguna Pueblo. As has already been mentioned, I am presently the executive director of the Upper Midwest American Indian Center in Minneapolis, Minn.

I would like to express my appreciation for being able to appear before what I consider to be very important hearings.

In reviewing the content of this Senate Concurrent Resolution 26, one can't help but feel that much thought has gone into its preparation. That perhaps today we are all involved in laying the ground work for a more meaningful involvement of Indian people in the planning, development, and implementation of programs affecting us.

The opportunity of coming before committees such as yours to express our feelings and ideas about laws and programs which will affect us are few and far between. This minimal involvement of the American Indian is true at the Federal and local levels of government.

What we desire most is the opportunity to define those needs ourselves and then to select those methods and techniques which will be effective in meeting the needs of the American Indian.

Historically, our needs and their solutions have always been defined for us. We know very few of these programs have been successful, and in most instances the solutions have only led to other problems which still very much affect the lives of a great majority of American Indians. I am a firm believer that chances of finding solutions to problems only come when we involve those we are attempting to serve. Therefore, you must not continue to define needs and their solutions for us, but give us every opportunity to play a major role in the evaluation of our needs, and the manner in which they should be met.

It is in this spirit that I would like to speak to this resolution and at the same time raise some questions which I believe must be dealt with if we are to bring about meaningful involvement for the American Indian.

The concept of self-determination for the American Indian is stressed throughout this resolution. Self-determination by whose definition? The U.S. Congress or the American Indians themselves? I have learned that those in power over funds have a definition of self-determination that is quite different from the way recipients of programs define this concept.

If self-determination is the heart of this resolution then the Indian people must play key roles in the determination of policies which affect their lives. Your willingness to accept our interpretation of self-determination will mean that you have acknowledged us as human beings with the same potentials for meeting our needs as opposed to how we have been seen in the past, and I hate to say, but how we are seen today. That is, that we do not have the capacity to deal with our own needs, and that someone must continue to take care of us.

I would like to tell you what is happening now, in the area of social services for Indians in the Twin Cities. The estimated Indian population is approximately 10,000. Over nine different Indian organizations have come about within the past 4 years. Most of these groups came about because the existing agencies and institutions were not meeting the needs of Indian people. The personnel for these groups run all the way from total volunteers to an organization such as mine which presently has a full-time staff of 17 people.

Study on the availability of services for the American Indian have been conducted by many groups. The responses from personnel of the existing agencies to questions about how many Indian people they serve range from the hundreds served by the city and county welfare departments to none by some private organizations. One response from a private family and children's service agency was "Have not seen an Indian here in 3 years" and yet there are some very serious mental health problems within our community. Where do they go for help? No place.

These very necessary services are not concentrated in areas where there are the greatest needs. If they are, they are not being utilized by the Indian people for many reasons. Some have to do with communication problems; some have to do with the insensitivity of agency personnel; some have to do with previous negative experiences with similar agencies, et cetera. Who, then, is responsible for meeting the needs of Indian people? Although most of the Indian organizations do not have professional personnel, I believe we are all involved in attempting to meet some of the basic needs of Indian people that existing institutions have either refused to meet, given up on serving them, and/or feel that it is someone else's responsibility.

In spite of the fact that most agencies are not meeting the needs of Indian people, I believe it is safe to say that only minimal effort has been made on their part to bring about those changes in order to be of more help to the Indian people. The initiative has been taken by the Indian people in Minneapolis in attempting to institute training programs for these agencies. My organization conducts series of five symposiums which deal with various aspects of Indian affairs, yet we have run into a general lack of interest on the part of the established agencies, such as the welfare departments.

Group activities for Indian children have only been brought about by the Indian organizations, and it is still on a very limited basis. Only within the past month has a working relationship been established with the Girl Scout Council of Greater Minneapolis by jointly funding a position for a youth worker. The YMCA and YWCA have not been able to deal effectively with the Indian youth, and only minimal effort is made on their part to do something about this.

The Minneapolis Park and Recreation Board involves only a very few Indian children. According to the Minneapolis League of Women Voters' Indians in Minneapolis, published in April 1968, the community information and referral services states that "Indians are most likely to come for legal, financial, health, housing, or camp assistance, and least likely to inquire about day care, counseling, and services for unmarried mothers.

The employment assistance program of the Bureau of Indian Affairs is another example of a program which has the potential of meeting some of the needs of Indian people. Yet, I believe the resources this office offers is wasted to some degree because a great deal of time is spent determining eligibility and/or referring the applicant elsewhere for service.

The Federal Government must become more consistent in its policies toward the American Indian. On the one hand, Indians have been encouraged and even coerced into leaving the reservations, but if they happen to move to the cities on their own, little or no support is given them for whatever initiative they might have for attempting to better themselves. They are only penalized.

Does this resolution really address itself to meeting the needs of Indian people who are not eligible for BIA-PHS services? Or is it categorizing them only as poor people, therefore saying that they are already being served through programs which have been developed for all poor people? If it is the latter, then we are not talking about anything new.

Although I have generalized in talking about problems in the area of social services, I believe you will hear the same concern from other Indian people. I assure you, these problems are not atypical for Indian communities across the country. We have been faced with governmental policies that have been inconsistent with the concept of self-determination, not recognizing the right of Indian people as human beings to play a part in problem solving activities.

I believe this resolution includes some of the basic changes that must be made if we are to go from here with some sense of mutual trust.

The most basic one is the repudiation of termination as a national policy. However, does the Federal Government have any responsibility for those who have already been terminated? I would think that it does.

The adoption of this resolution is only the initial step in a long process to hopefully effect a better life for the American Indian. Many laws have been made in the past which have had very little meaning to Indian people, but there have also been some laws passed that have affected them in the most negative manner. Some of the problems have resulted because Indian people were not involved in the formulation of these policies; some resulted from the manner in which they were interpreted to them; and some resulted because of the kinds of people who were given the responsibility of implementing these policies. These problems must be resolved before any program will be successful.

The passage of this resolution will initiate a long-term responsibility on the part of the Federal Government. The quality of this commitment will determine the manner in which we will be able to work

with you. I can assure you that if you abide by the commitments stated in the resolution, and if it is passed, we will be more than ready to work with you in bringing about a more positive future for the American Indian.

In closing, I would like to say that I have looked forward to making this presentation before you. However, I have been rather disappointed, I believe, in the kind of turnout we have had of this committee. Somehow, when you spend a great deal of time trying to present the kind of resolution that hopefully will say something for the Indian people and when we have this kind of turnout, somehow I guess I am pessimistic about the kind of commitment there is.

Thank you.

Senator BURDICK. Of course, you know, in deference to my absent colleagues, your statement goes into the record and your statement is read by the committee members, so you were heard by more than one today.

I have to go to the chamber for a vote, but you can continue, if you wish.

STATEMENT OF SAM KITO, DIRECTOR, FAIRBANKS NATIVE COMMUNITY CENTER, FAIRBANKS, ALASKA

Mr. KITO. Mr. Chairman, and members of the Committee on Interior and Insular Affairs. my name is Sam Kito, and I am a member of the Fairbanks Native Association, and presently I am the executive director of the Fairbanks Community Center, which is a model urban Indian center and is funded by a multiagency of the Federal Government, the Department of HEW, the Department of Labor, Housing and Urban Development, and OEO.

In the capacity of executive director, I would like to bring to your attention some of the problems that we have encountered in the development of our program in Fairbanks and some of the problems that we still see in the future.

Fairbanks is a town of approximately 45,000 people and the native population in the town ranges from 2,500 in the summer to approximately 4,000 in the winter. The problems that are inherent in a situation where native people are making the transition to the urban way of life are many.

Among the most paramount are housing, education, and employment. Through this consortium that has funded the model urban Indian center, we have been able to address ourselves to many of these issues.

We are able to utilize the manpower that we have been able to hire to build programs for housing, to build programs for employment assistance, and to build programs assisting in education and communications.

Additionally, a town the size of Fairbanks, or even a larger one, the larger communities throughout the States, the Native voice and the Indian voice becomes lost because there is not political base from which he can be heard, or no political forum that he is able to utilize to have the voice heard within the community.

Therefore, in the past, we have had programs that have begun implementation, only to be lost, because there was no community voice to speak out for these people.

In our employment assistance program in the Fairbanks Native Community Center in the year 1970, which was our first funding from OEO, which was $35,000, we were able to interview applicants in the amount of 1,123. Of these, we placed 345 in jobs, and we placed approximately 200 into training programs.

I am here to speak in favor of Senate Concurrent Resolution 26, because I think that this is a vehicle with which the Congress and the Federal Government agencies in the United States will be able to reach and assist native people of America, the first Americans, into a way of life that will keep the cultural heritage of their people and be able to implement the economic needs of their people for the future.

Thank you.

Mr. VERKLER. That brings up a point, of course. The adoption of this resolution is not an end in itself. It should be the beginning. Mr. Carr said that if this resolution is adopted by the Senate, and then by the House, he would be prepared to work with the Congress and the Government in implementing it to see that the goals underlying it are achieved. That is what we are trying to do.

For your information, and Mr. Carr, who is concerned about the Senators that were not here, this is no time to go into legislative process discussion, but you are making a record that is going to be available not only to the members of this committee, but to the entire Congress when this resolution is considered on the floor of the Senate, and subsequently, we hope, in the House.

It is our tentative plan to try to have this resolution considered by the committee in executive session at our next meeting, which is next Monday, and I am not sure that we will be successful in getting it approved in that quick a span of time following the hearings, but we are going to have it on the agenda for initial discussion.

So merely because the bodies are not here does not mean that their spirit is not with you, because you understand that is why we have the hearing in the first place; that is why the resolution was introduced.

Is everyone finished on the panel?

Mr. ELGIN. Yes.

Mr. VERKLER. Mr. Gerard, do you have any questions?

Mr. GERARD. No questions.

Mr. VERKLER. Thank you very much.

Mr. William Youpee, president of the National Tribal Chairmen's Association.

STATEMENT OF WILLIAM YOUPEE, PRESIDENT NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION

Mr. YOUPEE. It is a pleasure to appear before your committee here this morning in my capacity as the newly elected president of the National Tribal Chairmen's Association to present the association's views on Senate Concurrent Resolution 26.

I also want to present the committee with a copy of the resolution on this subject passed by the National Tribal Chairmen's Association at its Albuquerque convention, July 12 through 14.

Mr. VERKLER. Senator Hansen had to go vote on the floor, and because people have come a long distance, this is why we want to continue.

Senator Hansen will be here shortly and, before you are very far into your statement, he should be here. Go right ahead, sir.

Mr. YOUPEE. First, I want to say that, like I said, it is a pleasure to be here before the committee, and I am appearing before the committee as the newly elected president of the National Tribal Chairmen's Association to present the association's views on Senate Concurrent Resolution No. 26.

Mr. VERKLER. That resolution will be received and made a part of the record.

(The resolution follows:)

NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION—RESOLUTION NO. 71–15

Whereas, the Indian community has been deeply concerned about the Congressional policy of termination as expressed in House Concurrent Resolution 108 as passed by the 83rd Congress; and

Whereas, this policy has resulted in feelings of mistrust and ill feelings between the Indian people and those responsible for carrying out national Indian policy; and

Whereas, the Congressional policy of termination, when carried out as it was in the case of the Menominee and Klamath Reservations resulted in disastrous consequences for those Indians terminated; and

Whereas, the present administration is on record in favor of a policy of self-determination and against a policy of termination; and

Whereas, there are several concurrent resolutions pending before the 92nd Congress that are intended to repeal House Concurrent Resolution 108: Therefore be it

Resolved, That the National Tribal Chairmen's Association in convention assembled in Albuquerque, New Mexico, July 12 through 14, support the passage of Senate Concurrent Resolution 26 and House Concurrent Resolution 95, which in fact repeals House Concurrent Resolution 108 and opposes the passage of House Concurrent Resolution 143, which is another expression of the policy of termination.

CERTIFICATION

I, the undersigned as President of the National Tribal Chairmen's Association, do hereby certify that at a duly called meeting of the National Tribal Chairmen's Association held on July 12, 13, and 14, 1971, in Albuquerque, New Mexico, the foregoing Resolution was passed unanimously with a quorum being present.

WILLIAM YOUPEE, *President.*

Mr. YOUPEE. I want to express the strong desire of the association that House Concurrent Resolution 108 of the 83d Congress be repealed. The termination policy adopted by the Congress in House Concurrent Resolution 108 has resulted in feelings of mistrust and ill will between the Indian people and those responsible for meeting the responsibilities created by the trust relationship between the American Indian and the Government of the United States.

This mistrust resulted from what the Indian saw as the disastrous results of that termination policy as it was applied to the Menominee and Klamath Reservations. After viewing the changes made in the lives of the the Menominee and Klamath residents as a result of their being terminated, Indians decided that any efforts to force termination on them must be resisted at all cost. The reason that Indian people welcomed President Nixon's July 8, 1970, message on Indians is because it put the executive branch clearly on record as opposing a policy of termination and in favoring a policy of Indian self-determination.

We now welcome efforts by the Congress to repudiate its expressed policy of termination and its expression of a policy of Indian self-determination as set out in Senate Concurrent Resolution 26.

As stated in the association's resolution, we support the passage of Senate Concurrent Resolution 26 and similar resolutions pending before Congress that repudiate House Concurrent Resolution 108 of the 83d Congress.

I want to thank you for this opportunity to appear here today, and I will be glad to answer any questions that any of you might have.

Mr. VERKLER. Thank you, Mr. Youpee, and your statement will be made part of the record and brought to the attention of the members.

Is this the first real effort to repeal House Concurrent Resolution 108 that you are aware of?

Mr. YOUPEE. This is the first real, I would say, good effort made to repeal House Concurrent Resolution 108.

Mr. VERKLER. I think that is true in my experience, too.

Thank you very much.

Mrs. Lucy Covington, Secretary of the Federated Tribal Council.

Do you have a prepared statement?

STATEMENT OF MRS. LUCY COVINGTON, SECRETARY FOR THE FEDERATED TRIBES OF NORTHWEST INDIANS, AND AREA VICE PRESIDENT, NATIONAL CONGRESS OF INDIANS

Mrs. COVINGTON. I am secretary for the Federated Tribes, and I am also the secretary for the Affiliated Tribes of Northwest Indians, and I am area vice president of the National Congress of American Indians.

Concurrent Resolution 108 has affected the Colville Tribe in the past about as strongly as the Menominees and the Klamaths. So, this is one of my happiest days, I think, to get before the Senate.

I have appeared here in trying to stop the passage of the termination bills that affected the Colville Tribes in the past.

Today, the very resolution that caused all these problems for the Colvilles since 1956 is here finally, because almost all the organizations, the Affiliated Tribes and the National Congress, every year we pass a resolution to try to repeal it.

I shall read my statement now.

I am Lucy Covington. I am here today to partly endorse Senate Concurrent Resolution 26 as the most encouraging statement in Indian Affairs to be proposed in Congress in many years.

As secretary of the Affiliated Tribes of Northwest Indians, I would like to call your attention to the strong resolution of support for Senate Concurrent Resolution 26 that our Northwest Tribes recently passed in Lewiston, Idaho.

If you already have a copy of this resolution for your record, I will not leave this, but I can if you wish.

Mr. VERKLER. We would like it for the record.

Mrs. COVINGTON. Yes.

(The resolutions follow:)

AFFILIATED TRIBES OF NORTHWEST INDIANS—RESOLUTION NO. 1

Whereas HCR 108 was adopted in 1953 by the 83rd Congress stating the individuals should be freed from Federal supervision and control and made subject to the same laws as other citizens, and

Whereas HCR 108 meant to many in the Indian community the termination of their unique relationship with the Federal Government and

Whereas this policy has been resented and resisted by the Indian community and has cast a shadow of suspicion on practically all of the Federal Government's efforts to work out constructive approaches and solutions to the problems faced by the Indian communities as possibly covert moves to terminate their unique relationship with the Federal Government, and

Whereas the Affiliated Tribes of Northwest Indians, the NCAI, and individual tribes have passed numerous resolutions and devoted a significant share of their thinking and energy since 1953 to have HCR 108 replaced by an Indian policy more compatible and favorable to their interests and to Federal obligations, and

Whereas Senator Henry Jackson has now introduced SCR 26 in the 92nd Congress to replace the policy of HCR 108 with a reaffirmation of the unique relationship between Indian people and the Federal Government and a repudiation of termination as a National policy, and

Whereas SCR 26 provides a positive philosophy for dealing with Federal-Indian relationships according to federal committments and the self-determination of Indian people; Now, therefore, be it

Resolved, That the Affiliated Tribes of North Indians in executive meeting in Lewiston, Idaho, May 28, 29, enthusiastically endorsed and supports SCR 26 as a long overdue affirmation of the unique Federal-Indian relationship; and be it further

Resolved, That similar measures introduced in the House of Representatives during the 92nd Congress HCR by Congressman Saylor and HR 400 Congressman Culver HCR 102 and HCR 181 by Congressman Meeds also be supported for their repudiation of the termination philosophy of HCR 108 but amended to include the broader principle and language as stated in SCR 26; and be it further

Resolved, That the President of the United States, the Secretary of Interior, and the Commissioner of Indian Affairs bring all of their resources to bear on securing passage of SCR 26.

EARL OLD PERSON, *President.*

AFFILIATED TRIBES OF NORTHWEST INDIANS—RESOLUTION NO. 9

Whereas, the Colville Tribe had great difficulty in getting their rightful lands restored and they were forced to agree to unfavorable terms in order to get PL 772 passed by the 84th Congress in 1956, which legislation provided that:

(1) The Colville Tribe pay a sum of money to Okanogan and Ferry Counties annually,

(2) That the Colville Tribe present a termination plan within five years, which provision was complied with,

(3) That the Counties of Ferry and Okanogan would have to consent before any land could come back under federal trust, and

Whereas Okanogan and Ferry Counties are being greatly subsidized by other state and federal means for Indian education, road construction, maintenance, and other programs, and

Whereas Colville tribal members are receiving very poor service from said Counties in all respects, and

Whereas great turmoil within the Tribes has been caused by the termination bill requirement, causing the Tribes great loss of resources and has impeded the utilization of human and natural resources, and

Whereas some 60,000 acres of trust lands valued at over $4 million have gone on the tax rolls in the past ten years, yet said Counties have objected to the return of lands to trust status, and

Whereas said Counties agreed under the act that they would not object unless more land went off the tax rolls than went on said rolls; Now, therefore, be it

Resolved, That the Affiliated Tribes of NW Indians go on record in support of the efforts of the Colville Confederated Tribes in their efforts to have PL 772 amended to remove undesirable and unfair provisions pertaining to the Colville Confederated Tribes.

EARL OLD PERSON, *President.*

Mrs. COVINGTON. Our Colville Tribe has been one that has suffered most from House Concurrent Resolution 108. Our tribe has not been forced into termination as the Menominees were, but our tribe has

suffered much from the spirit and philosophy of House Concurrent Resolution 108.

Under its influence a law passed to clarify title to our reservation lands in 1956 forced us to make large payments in lieu of taxes to local county governments.

These payments were for various county services that we have never been satisfied with.

We are now working to have this provision rescinded. This is Public Law 772.

We are working hard to overturn the effects of the philosophy of House Concurrent Resolution 108 on our reservation. We need a new, optimistic philosophy from Congress to support our local efforts.

Senate Concurrent Resolution 26 provides us this optimistic philosophy and support.

From our experience, we wish to clarify a point made by some on this committee to take a close look at any group or any tribe stating that some majority wishes to terminate the tribe.

A tribe is a confederated corporate body, extending backward to those long gone and forward to those not yet born. With the constant pressures of tribal politics and external pressures, it may often be possible for some faction to obtain an apparent majority of those who express their views in a certain way at a certain time, but it is often impossible to prove what all the people want. Many don't vote. Minority interests of the children are not consulted.

This has been our sad history on the Colville Reservation. For several years, we have had a majority on our tribal council asking for termination, but now our people have taken a new look, and we now have a majority, and council majority, that is opposed to termination.

Now we are working hard to make up for the lack of action during recent years on our reservation. We want to develop programs, to develop our reservation's resources to meet the many overlooked needs of our people.

We want a new hope and bright future for our tribe and our children, and we need an optimistic congressional policy to support and encourage us in our efforts at home on the reservation.

We support all the provisions of Senate Concurrent Resolution 26 and urge its passage as soon as possible to remove once and for all the ominous threat of House Concurrent Resolution 108 that still lurks in the background.

We need Senate Concurrent Resolution 26 as we move ahead with positive efforts to build a good Indian life for our Indian people on our Indian land.

I didn't bring my glasses.

We also feel that it is important for Congress to continue to allow the different tribes to define their own memberships. It would be very unwise for Congress to take this power of local government away from Indian tribes by putting exact legal measurements into the new resolution.

All tribes have, or soon will have, their own exact membership roll. There will be no confusion as to the eligibility if the tribes are allowed to retain their powers they have exercised in the past.

After seeing the effects of terminated tribes, of the Klamaths, my efforts doubled to save my tribe from the hopeless state of deprivation by their loss of a great land base.

(At this point, Senator Hansen assumed the chair.)

Mrs. COVINGTON. I didn't want my tribe to become a skeleton. So, we fought termination and it does appear that it is nearly ready to be overcome.

That is my statement, Senators, and I thank you very much for giving me this opportunity to testify on a bill that has affected the Colville Tribes in the past.

I do have these very rough statements, and you are going to have a time looking over them.

Senator HANSEN. Are there other witnesses?

If not, the hearings are concluded.

I think Mr. Verkler has already explained that transcripts of the hearing, when they are printed, will be available to each of you who wishes to inspect them and read them.

If there is nothing further, the committee will stand adjourned.

(Whereupon, at 4:20 p.m., the committee adjourned, subject to the call of the Chair.)

APPENDIX

(Under authority previously granted, the following statements and communications were ordered printed:)

[Excerpt from 1969 Senate Report No. 91-501]

The Termination Period

In 1937, following the completion of an extensive survey begun in 1928 by the Senate Indian Affairs Committee, six bills were introduced in Congress aimed at limiting the Indian Reorganization Act of 1934. Some of those opposed to the IRA were merely interested in the property reserved to the Indians, while others complained of communistic tendencies inherent in Indian culture.[1]

Between 1937 and 1944 there was constant friction between Collier and the Senate and House Indian Affairs Committees. The friction reached a climax when in 1944, a select committee of the House made its recommendations on achieving "the final solution of the Indian problem * * *." Although the committee named education as the primary means of solving the "Indian problem," its ideas of education were diametrically opposite to those of Collier, and called for a return to the policies and practices which had been so thoroughly discredited by the Meriam report in 1928.[2]

It criticized "a tendency in many reservation day schools to adapt the education to the Indian and to his reservation way of life rather than to adapt the Indian to the habits and requirements he must develop to succeed as an independent citizen earning his own way off the reservation." [3]

It said that if "real progress" is to be made, Indian elementary school children must be taken from their homes and placed in off-reservation boarding schools:

"The Indian Bureau is tending to place too much emphasis on the day school located on the Indian reservation as compared with the opportunities afforded Indian children in off-the-reservation boarding schools where they can acquire an education in healthful and cultural surroundings without the handicaps of having to spend their out-of-school hours in tepees, in shacks with dirt floors and no windows, in tents, in wickiups, in hogans, or in surroundings where English is never spoken, where there is a complete lack of furniture, and where there is sometimes an active antagonism or an abysmal indifference to the virtues of education.[4]

"The goal of Indian education should be to make the Indian child a better American rather than to equip him simply to be a better Indian. The goal of our whole Indian program should be, in the opinion of your committee, to develop better Indian Americans rather than to perpetuate and develop better American Indians. The present Indian education program tends to operate too much in the direction of perpetuating the Indian as a special-status individual rather than preparing him for independent citizenship." [5]

In the same year as the report of the select committee was issued, 1944, "the Senate Indian Affairs Committee proposed a long range program for the gradual liquidation of the Bureau of Indian Affairs and the House began its own investigation of the BIA." [6]

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[1] S. Lyman Tyler, Indian Affairs. "A Workpaper on the Terminations: With an Attempt to Show its Antecedents," Brigham Young University, 1964, p. 22.

[2] Report of the Select Committee to Investigate Indian Affairs and Conditions, House Reports, pursuant to H.R. 166, "An Investigation to Determine Whether the Changed Status of the Indian Requires a Revision of the Laws and Regulations Affecting the American Indian," 1944, p. 11.

[3] Ibid.

[4] Ibid.

[5] Ibid.

[6] Tyler, op. cit., p. 23.

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In 1945, John Collier, after 12 years as Commissioner of Indian Affairs, resigned and was replaced by William A. Brophy, who, at the Senate hearings to confirm his nomination, was repeatedly required to assure the Senators that he would follow the policies of Congress.

In 1946, Congress reorganized its own procedures under the Legislative Reorganization Act, transferring to the Committee on Public Lands later renamed the Committee on Interior and Insular Affairs, House and Senate jurisdiction pertaining to relations of the United States and Indians and Indian tribes, as well as consideration of measures relating to the care, education, and "management" of Indians.[7]

The Indian Claims Commission Act, introduced in its original form to Congress in 1930, was finally passed by the 79th Congress in 1946. The act created a commission to hear all Indian claims against the United States.

Thus, speaking of outstanding Indian claims, they reported:

"Their existence, however, serves to hold the Indian to his life on the reservation through fear that separation from the tribe might deprive him of his share of a settlement which he believes the Government may some day make." [8]

Commissioner Brophy, in ill health, was unable to personally direct the activities of the BIA during the years 1947 and 1948, which were critical to the formation of the termination policy. The 80th Congress had committed itself to a pledge of reducing "big government" and cutting the costs of Government. In this interest, a demand was made of William Zimmerman, Jr., who became Acting Commissioner on June 3, 1948, when Commissioner Brophy retired, that he inform the Senate Civil Service Committee of what specific reductions of expenditure the Bureau might put in force immediately.

"When a direct reply was not instanty forthcoming, the Acting Commissioner was subpenaed by the committee and required to return on the following day with information and supporting documents to show what tribes could be removed at once from Government supervision and what amounts of money would be saved for each tribe so removed." [9]

Zimmerman set forth a four-part formula for measuring a tribe's readiness for withdrawal of Federal services:

"The first one was the degree of acculturation; the second, economic resources and condition of the tribe; third, the willingness of the tribe to be relieved of Federal control; and fourth, the willingness of the State to take over." [10]

Also in 1947, the Public Lands Committee of the 80th Congress "compelled" the Indian Bureau to give them a classification of tribes with target dates for "freedom from wardship."

"Lists of tribes under three categories were prepared; but deciding what tribes should go under which headings, once the obvious choices were made, was like a blindfolded man picking names out of a hat. The answers given to the Senate were tentative, and could not have been otherwise, without time to review the fact about each.

"The information supplied to the committee in this manner was used repeatedly in Congress as evidence that the time had come to terminate immediately Federal trusteeship for the tribes specified by the Acting Commissioner, and for all others at the earliest possible date. The attempt by the Acting Commissioner to suggest criteria as guides to congressional action was ignored * * *." [11]

By 1948, Congress had begun to cut funds requested by the BIA for education, apparently without regard for consequences to the Indian children, prompting Acting Commissioner Zimmerman to report:

"During 1948, the failure of Congress to appropriate the funds needed to meet the increased cost in commodities and the increased enrollment which followed the termination of the war, resulted in the elimination of 2,143 children from Federal boarding and day schools in the United States and in the closing of 18 day schools in Alaska serving 600 children." [12]

John R. Nichols became Commissioner of Indian Affairs on April 14, 1949. He pointed out Congress was as much to blame as the Bureau of Indian Affairs for the continuation of the "Indian problem," and that what was needed was "development" not "termination" of services:

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[7] 60 Stat. 812, ESP, secs. 103, 136, 138–139: as report in "Handbook of Federal Indian Law" 1958 ed., p. 134.
[8] Select Committee to Investigate Indian Affairs and Conditions, op. cit., p. 6.
[9] Fey and McNickle, "Indians and Other Americans," pp. 133–134.
[10] Tyler, op. cit., p. 31.
[11] Fey and McNickle, op. cit., p. 134.
[12] 1948, Report of the Commissioner of Indian Affairs, pp. 383–384.

"Problems of human adjustment do not solve themselves, not when the people seeking to make the adjustment are hampered by lack of education, poor health, and deficient resources. The expenditures which have been made over the years in behalf of our Indian people were not based on any long-term plan for the orderly solving of the problems they faced. Rather, the record indicates that these expenditures and the physical effort released by them have been sporadic, discontinuous and generally insufficient.

"This record explains why today many Indian children of school age have no school rooms and no teachers to provide for their education; why many Indians are still without any kind of health care; why thousands of Indians are without any means of livelihood, either in the form of productive resources or marketable skills; why irrigable lands owned by the Indians lie undeveloped in the arid West; why countless Indian communities are without roads on which to travel to school, to hospital, to market * * *" [13]

The extent of the development effort needed was pointed up dramatically when a survey found that less than 50 percent of Navajo school age children were enrolled in school primarily because of a lack of facilities and teachers. In 1868, the Federal Government had signed a treaty with the Navajos which had pledged over a 10 year period to provide a teacher and a schoolroom for every 30 children. The Nationa was aroused, and Congress was pressured to respond.

In May 1949, Congress appropriated $3,375,000 for the remodeling of an Army hospital near Brigham City, Utah, so that it could be used as a school for 2,000 Navajo children. In 1950, Congress passed the Navajo-Hopi Rehabilitation Act. Commissioner Nichols, pointed out that the act would provide facilities for only half of the 19,800 Indian children who are still without schools.[14]

Despite the perennial attention drawn to the Navajo problem, 13,000 Navajo children were still without schools in 1953 and Congress was pressed to take another emergency action. A plan was formulated in 1954, which provided for the construction of large elementary boarding schools on the reservation, increased enrollment in off-reservation boarding schools, and the establishment of Federal dormitory facilities in communities bordering the reservation, to get the children into public schools.

Navajo children were sent as far away as the Chemawa Boarding School in Oregon, and in turn displaced hundreds of Indian students from the Northwest who were rerouted to boarding schools in Oklahoma. This procedure was deeply resented by the Northwest tribes and was brought to the subcommittee's attention in its Portland hearings. The situation continues very much the same today. In the dormitory program, elementary school-age children have been sent as far as Albuquerque, N. Mex. Another example of this emergency response to long-standing "development" needs was the decision made in the late 1950's to send hundreds of Alaskan native children without schools to the Chemawa School in Oregon and the overflow to boarding schools in Oklahoma. Last year, more than 400 Alaskan natives were sent to the Chilocco Boarding School in Oklahoma.[15]

This lack of attention by Congress to the "development" needs of Indian communities has had two particularly tragic consequences on the Navajo reservation. Due to the crash construction program on the reservation and the massive deportation of Navajo students to off-reservation boarding schools throughout the Western part of the United States, the percentage of enrolled children increased from 52 percent in 1950 to a peak of 81 percent in 1955. After 1955, the percentage remained relatively constant and had even decreased by 1966.

The subcommittee found in its hearings at Flagstaff, Ariz., that thousands (the estimates range from 4,000–8,000) of Navajo school-age children are still not in school.[16]

The subcommittee was told that not all of this was due to a lack of facilities. Many Navajo parents object to giving up their young children to the white-man's boarding school. The majority do so only because of their poverty and with deep misgivings. Because of the "crash" nature of the program and the desire to meet the tremendous needs most efficiently, it was decided to build large elementary boarding schools. Not only was this the least expensive way to do the job but it provided the added advantage of providing a controlled environment for carrying out a program designed to assimilate the children into the dominant society with little interference from the parent. There are presently over 7,000 Navajo children in 47 elementary boarding schools on the reservation who are 9 years of age or under.[17]

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[13] 1949, Report of the Commissioner of Indian Affairs, pp. 338–341.
[14] 1949, Report of the Commissioner of Indian Affairs, p. 353.
[15] Subcommittee hearings, 1969, pt. 1, p. 588.
[16] Subcommittee hearings, 1968, pt. 3.
[17] Subcommittee hearings, 1968, pt. 1, p. 78.

These schools have been severely criticized in subcommittee hearings as cruel and reprehensible and expert witnesses have established that they damage both the children and the Navajo family structure. This is a matter of great concern to the subcommittee and is examined in greater detail in a later section of this report.

The boarding school approach of the 1950's and continuing up to very recently with only modest alterations is a reversal and repudiation of the enlightened policies of the 1930's, and the important reform recommendations of the Meriam report. The educational counterpart to the termination policy which was rapidly emerging in the early 1950's was to be one of pushing Indian children into public schools as rapidly as possible and regardless of consequences, and the reestablishment of a forced assimilation approach in utilizing Federal boarding schools. In addition off-reservation boarding schools were increasingly to become a "dumping ground" for the large numbers of Indian students who had failed or been failed by public schools.[18]

Commissioner Nichols' argument that Indian tribes and individuals needed "development" not "termination" went unheeded and after only 1 year of service, he was replaced by Mr. Dillon S. Myer, on May 8, 1950, Mr. Myer embraced the termination policy with enthusiasm and proceeded to lay the groundwork for carrying it out.

Mr. Cohen cites numerous examples of a coercive and manipulative bureaucracy. The following is a partial list which has been abstracted from his article:

1. By the use of Federal funds to influence Indian tribal elections and by the direct interference with local election arrangements.
2. By setting up regulations to control both the selection of attorneys by Indians and the activities of attorneys so selected. Mr. Cohen mentions 40 instances of such interference.
3. Penalizing Indian criticism of the BIA by imposing tribal credit funds.
4. By refusing to remove liquor restrictions unless the tribe would agree to abolish their tribal courts and police.
5. By closing down many hospitals and clinics on various Indians reservations to "encourage" Indians to move off the reservation.
6. By interfering in and disrupting Indian religious practices.
7. By supervising intimate details of an Indian's personal life and interfering in his recreational and business activities.
8. By implementing regulations which work toward decreasing Indian landhodlings and by leasing Indian land and property without Indian consent.
9. By restricting the use of tribal income, tribal credit funds, and tribal property.
10. By issuing an order which gave local Bureau agents power to spend an adult Indian's income without his consent.
11. By testifying in opposition to every bill in Congress aimed at expanding Indian civil liberties—for example a bill to rescind a law which required Indians to secure approval from Government officials before selling their cattle.
12. By proposing legislation to authorize employees of the Indian Bureau to carry arms and to make arrests, searches, and seizures, without warrant, for violation of BIA regulations (despite strenuous efforts on the part of Mr. Myer the bill was defeated).
13. By proposing and supporting legislation which would reestablish the infamous "forced patent" system which had been the worst practice of the allotment period and usually ended with the Indian losing his land.
14. By proposing and supporting legislation which would unilaterally end tax exemption of Indian trust land.[19]

Mr. Cohen points out that Commissioner Myer devised a new "area office" system for programing termination activities at a regional level and stripping reservation superintendents of their powers. The "area offices" served to facilitate the "management" and manipulation of Indians; the avoidance of accountability to Indians; and made protest efforts or communication by Indians to responsible officials much more difficult. In the words of one expert, "policy regressed to the 19th century with startling speed, and with a vengence."[20]

Another significant termination effort was launched in 1952. It was called the voluntary relocation program. Dr. Nancy Lurie has summarized this program as follows:

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[18] Subcommittee hearings, 1968, pt. 5.
[19] Yale Law Journal, No. 3, February 1953.
[20] Nancy Lurie, "Current Anthropoloty, vol. 2, No. 5, December 1961, p. 480.

"The relocation program of 1952 was ostensibly designed to give order and system to an established activity and the term 'voluntary' in the title was reassuring that Indians' wishes would be respected. But it soon became evident that the development of reservation resources lagged far behind the efforts devoted to relocation and that real alternatives were not being provided. Then relocation was not seen as voluntary but as forced by economic necessity. It soon became known as 'Operation Relocation' and Indians expressed many and specific grievances about the whole program. A bright picture was painted of city life to entice Indians to leave home and when they got to the city they found themselves placed in the lowest paying, most menial work and located in the poorest housing. The jobs were often temporary and of a type adversely affected by the slightest dip in the national economic picture. Many Indians were left unemployed after a period of Indian Bureau responsibility for their employment had run out and before they had filled term-of-residence requirements to receive local forms of welfare. Skilled workers often did not have the money to keep up union dues so that when jobs were again available they had lost their eligibility. Relocatees were not adequately screened for ability to adjust to city life. The relocation program sought to place people in cities as far from their home communities as possible to discourage easy return and many Indians were left stranded and in desperate straits. Most important, whereas Indians view relocation, whether through their own efforts or under the Government program as a temporary measure to gain capital, knowledge, and skills to enable them to support themselves at home, the Indian Bureau viewed it as a sort of 'final solution' to the Indian problem." [21]

By an act of August 3, 1956, (Public Law 84–959), Congress provided for an expanded program of vocational education for unemployed Indian adults. The act was designed primarily to strengthen and supplement the BIA "relocation program" which had been under heavy criticism. Many of the Indians who had been relocated, either returned "disillusioned" to the reservation, or ended up on urban welfare rolls or became part of a poverty-stricken urban underclass.[22]

In 1952, the BIA closed down all Federal schools in Idaho, Michigan, Washington, and Wisconsin, and loans to Indian students authorized in the Reorganization Act of 1934 were discontinued. In 1953, 19 Federal boarding and day schools were closed and enrollment of California Indian children in Federal schools was prohibited. Initial steps were taken to cut off Federal funds under the Johnson-O'Malley program for the "special needs" of Indian children, in public schools in California. This was accomplished several years later, and the California precedent, was used to support a similar withdrawal in Oregon.[23]

In 1953, the legislative base for the "termination policy" was laid when Congress passed Public Law 280 and House Concurrent Resolution 108. "Public Law 280 transferred the Federal jurisdiction over law and order on certain Indian reservations to individual States. Only five States were involved but they had sizable Indian populations. The Indians protested, accurately predicting not only that problems of law and order would be aggravated (because the States would be unwilling to assume the cost of their new responsibilities for Indians living on tax-free lands) but also that agitation would begin for taxation of Indian lands.[24]

Under Public Law 280, States were given the right to "enact measures that could vitally change the character of the communities in which the Indians lived without any option on their part. A State could wipe out most tribal customs, reduce or destroy the family's traditional control, abolish customary or undocumented marriages and so make children illegitimate, change the inheritance laws, and apply a complicated criminal code to a simple people." The confusion and injustices stemming from this law are legion. According to the Kennedy task force of 1961, the transfer of law and order responsibilities from the Federal Government to the States often resulted in "inferior protection of life and property, denial of civil rights, and toleration of lawlessness.[25]

House Concurrent Resolution 108 called for the end of Federal supervision over Indians and making them subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States,

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[21] Ibid., pp. 480–481.
[22] Act of Aug. 3, 1956, c. 930, sec. 1; 70 Stat. 986, 25 U.S.C. 309.
[23] Fischbacher, op. cit., p. 381.
[24] Nancy Lurie, op. cit., p. 480.
[25] "The Indian, America's Unfinished Business," compiled by William A. Brophy and Sophie D. Aberle 1966, University of Oklahoma Press, p. 182.

to end their status as wards of the United States, and grant them all of the rights and prerogatives pertaining to American citizenship.[26]

The resolution failed to mention the fact that Indians were already citizens by virtue of congressional action in 1924, and that unless specially exempted by treaty agreement, statute, or Federal regulation, they paid State and Federal taxes. Fey and McNickle in their recent book *Indians and Other Americans*, described the resolution as "inaccurate and wholly misleading" and as completing "the repudiation and abandonment of the considerable 25-year effort to humanize and bring technical skills to the field of Indian affairs." To many Indians, the resolution implied the renunciation of all Federal Indian treaties, and the complete abdication by the Government of its responsibilities to the Indian community.[27]

Little time was wasted in implementing the policy. In 1954 10 termination bills were introduced, with six of them passing. In 1956, Congress passed bills terminating Federal supervision over three separate Oklahoma tribes on successive days. The termination period was brought to a partial halt on September 18, 1958, when Secretary of the Interior Fred A. Seaton announced in a speech at Flagstaff, Ariz., that no tribe henceforth would be terminated without its consent.

Unfortunately, as the Fund for the Republic, report pointed out:

"From the date of Seaton's speech until 1961, confusion has existed, the Secretary seeming to espouse one policy and the BIA another. All the time, moreover, H. Con. Res. 108, stating the policy of Congress, has been in effect." [28]

[From the Congressional Record, July 15, 1953]

Mr. HARRISON of Wyoming. H. Con. Res. 108. Concurrent resolution expressing the sense of Congress that certain tribes of Indians should be freed from Federal supervision; to the Committee on Interior and Insular Affairs.

Mr. MILLER of Nebraska. Committee on Interior and Insular Affairs. House Concurrent Resolution 108. Concurrent resolution expressing the sense of Congress that certain tribes of Indians should be freed from Federal supervision; without amendment (Rept. No. 841). Referred to the House Calendar.

[From the Congressional Record, July 20, 1953.]

FREEING CERTAIN TRIBES OF INDIANS FROM FEDERAL SUPERVISION

The Clerk called the concurrent resolution (H. Con. Res. 108) expressing the sense of Congress that certain tribes of Indians should be freed from Federal supervision.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

Mr. EDMONDSON. Reserving the right to object, Mr. Speaker, I understand the author of this bill, the gentleman from Wyoming (Mr. Harrison) is not present. Certain questions have arisen involving serious objection by the Osage Tribe of Indians to their inclusion in this bill.

I ask unanimous consent that the bill be passed over without prejudice.

Mr. D'EWART. I would be glad to try to answer any questions about this bill.

Mr. EDMONDSON. It is my understanding that the Osage Tribe of Indians of Oklahoma have practically unanimously requested that it not be included in the measure and has asked to be heard by the committee on that point. I have no objection to freeing from Federal supervision all of the tribes that are willing to be freed from supervision, and are ready for it, but when a tribe states its official position through its tribal officers, that it is not ready and not willing to be freed from supervision, I think a hearing should be held to give them an opportunity to be heard before they are freed.

Mr. D'EWART. Insofar as this is a concurrent resolution, only expressing the sense of the Congress, it is not an act, it does not take away any right from any Indians whatever. It is simply an expression of the sense of the Congress that we should end trusteeship and wardship. A resolution such as this has never been directed to the Bureau of Indian Affairs. We think there should be a directive of the objective that we expect the Indian Affairs Bureau to follow in

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[26] 67 Stat. 132.
[27] Fey and McNickle, op. cit., pp. 136–137.
[28] Brophy and Aberle, op. cit., p. 78.

ending wardship and trusteeship. This is nothing more than an expression of the sense of the Congress that we should proceed toward that end.

Mr. EDMONDSON. I understand that, sir.

Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. MILLER of Nebraska. Mr. Speaker, reserving the right to object. I did want to point out, as has been done, that this will give the Osage Indians the right to be heard. They will be heard, I can assure you of that. It is merely expressing a desire that we direct the Indian Bureau to look into some of the Indiams who are ready to be heard and ready to be emancipated and so forth. This would entitle the Osage Indians of the right to be heard.

Mr. EDMONDSON. I appreciate that, sir. I am 100 percent for the hearings. I am informed there are several dozen of them here right now wanting to be heard, and if this is passed over at this time and hearings could be set up within the next week or so, the matter might be resolved.

At this time, I ask unanimous consent that the resolution be passed over.

Mr. DOYLE. Mr. Speaker, I join the gentleman's request that the resolution be passed over at this time.

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the concurrent resolution be passed over without prejudice at this time.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. D'EWART. Mr. Speaker, I ask unanimous consent on behalf of my colleague, the gentleman from Wyoming (Mr. Harrison) that he may extend his remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. HARRISON of Wyoming. Mr. Speaker, House Concurrent Resolution 108 is intended as a directive from Congress to the Bureau of Indian Affairs to start working itself out of a job—which, after all, was the original intent when the Bureau was created.

We all realize, Mr. Speaker, that our American Indians have needed help, and in some instances still need it, in preparing for their complete freedom from Federal supervision and wardship. Some tribes, in my opinion, now are ready for their freedom; others should be within a few years.

My resolution calls upon the Bureau of Indian Affairs to withdraw from certain States and to prepare to relinquish their supervision over certain other tribes. It also requests the Secretary of Interior to review all existing legislation dealing with Indians and to recommend necessary legislation to carry out the purposes of the resolution.

It always has been the intent, Mr. Speaker, for the Federal Government to help the American Indians become selfsupporting and ultimately free and equal citizens. This intent was reflected by the Secretary of Interior's annual report of more than a half century ago. This particular report for the fiscal year ended June 30, 1898, had this to say:

"The policy heretofore inaugurated of extending to the Indians every facility tending to make them an independent and selfsupporting class has been continued. The acceptance by many Indians of the opportunities thus presented to put themselves in a position to acquire a knowledge of farming, the trades, and other useful occupations, by means of which they can compete with the white man, has proven the widsom of such a course."

Despite this repeatedly declared intent, Mr. Speaker, Federal supervision over the American Indians has continued to become more complex, more expensive, and the restrictions more stringent through the years.

As an example, the number of Indians under Federal guardianship in 1844 was reported to be 168,909. By 1900 the figure had risen to 270,544, and the next half century saw the number increase to 404,787 by 1950. A much larger increase, proportionately, was seen in the number of Bureau of Indian Affairs employees during the same period. In 1864 the Bureau listed only 97 employees; in 1951 the figure was 12,663.

Expenditures in connection with Indian Affairs have expanded tremendously. In 1800, records show, just $31 was devoted to the purpose. In 1850 the total was $1,665,802; in 1900, $10,175,107; in 1950, $62,139,983. In 1951 Indian Bureau expenditures amounted to $74,707,320.

Adding up the annual totals of Indian Bureau spending, money authorizations and actual expenditures for Indian purposes from 1789 through 1951 aggregated

$1,934,926,775. With the 1952 figure included, the grand total would be at least $2 billion. That's a lot of money, Mr. Speaker, for a Federal agency which was supposed to be working itself out of work through the years. And the grand total is exclusive of some $100 million paid out in Indian claims resulting from treaty agreements and other sources.

Never, so far as I have been able to learn, has the Congress issued a directive to the Bureau of Indian Affairs to begin going out of business in an orderly manner. Numerous bills have been introduced varying in language from mild requests to free the Indians to outright abolition of the Bureau. But none of them, so far as I know, have been enacted by Congress.

I believe it is time to make a concrete start toward the consistent intent that the Indian Bureau supervision over its wards be diminished. I do not believe that any such start will be made until Congress directs it. That is the whole purpose of my resolution, which I hope will receive speedy and favorable action.

[From the Congressional Record, July 27, 1953]

Free Certain Tribes of Indians From Federal Supervision

The Clerk called the resolution (H. Con. Res. 108) expressing the sense of Congress that certain tribes of Indians should be freed from Federal supervision.

The Speaker. Is there objection to the present consideration of the resolution?

Mr. Miller of Nebraska. Mr. Speaker, reserving the right to object, I might say that an amendment is ready to be offered and is acceptable to the committee.

The Speaker. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the concurrent resolution, as follows:

"Whereas it is the policy of Congress, as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States, and to grant them all of the rights and prerogatives pertaining to American citzenship; and

"Whereas the Indians within the territorial limits of the United States should assume their full responsibilities as American citizens: Now, therefore, be it

"*Resolved by the House of Representatives* (*the Senate concurring*), That it is declared to be the sense of Congress that, at the earliest possible time, all of the Indian tribes and the individual members thereof located within the states of California, Florida, Iowa, New York, and Texas, and all of the following named Indian tribes and individual members thereof, should be freed from Federal supervision and control and from all disabilities and limitations specially applicable to Indians: The Flathead Tribe of Montana, the Klamath Tribe of Oregon, the Menominee Tribe of Wisconsin, the Osage Tribe of Oklahoma, the Potowatamie Tribe of Kansas and Nebraska, and those members of the Chippewa Tribe who are on the Turtle Mountain Reservation, N. Dak. It is further declared be the sense of Congress that, upon the release of such tribes and individual members thereof from such disabilities and limitations, all offices of the Bureau of Indian Affairs in the states of California, Florida, Iowa, New York, and Texas and all other offices of the Bureau of Indian Affairs whose primary purpose was to serve any Indian tribe or individual Indian freed from Federal supervision should be abolished. It is further declared to be the sense of Congress that the Secretary of the Interior should examine all existing legislation dealing with such Indians, and treaties between the Government of the United States and each such tribe, and report to Congress at the earliest practicable date, but not later than January 1, 1954, his recommendations for such legislation as, in his judgment, may be necessary to accomplish the purposes of this resolution."

Mr. Belcher. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Belcher:
Page 1, line 5, strike out the word "Iowa."
Page 2, lines 5 and 6, strike out the words "the Osage Tribe of Oklahoma."
Page 2, line 12, strike out the word "Iowa."
The committee amendments were agreed to.
The resolution was agreed to; and a motion to reconsider was laid on the table.

[From the Congressional Record, July 28, 1953]

House Concurrent Resolution Referred

The concurrent resolution (H. Con. Res. 108) expressing the sense of Congress that certain tribes of Indians should be freed from Federal supervision was referred to the Committee on Interior and Insular Affairs, as follows:

Whereas it is the policy of Congress, as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States, and to grant them all of the rights and prerogatives pertaining to American citizenship; and

Whereas the Indians within the territorial limits of the United States should assume their full responsibilities as American citizens: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is declared to be the sense of Congress that, at the earliest possible time, all of the Indian tribes and the individual members thereof located within the States of California, Florida, New York, and Texas, and all of the following-named Indian tribes and individual members thereof, should be freed from Federal supervision and control and from all disabilities and limitations specially applicable to Indians: The Flathead Tribe of Montana, the Klamath Tribe of Oregon, the Menominee Tribe of Wisconsin, the Potowatamie Tribe of Kansas and Nebraska, and those members of the Chippewa Tribe who are on the Turtle Mountain Reservation, N. Dak. It is further declared to be the sense of Congress that, upon the release of such tribes and individual members thereof from such disabilities and limitations, all offices of the Bureau of Indian Affairs in the States of California, Florida, New York, and Texas and all other offices of the Bureau of Indian affairs whose primary purpose was to serve any Indian tribe or individual Indian freed from Federal supervision should be abolished. It is further declared to be the sense of Congress that the Secretary of the Interior should examine all existing legislation dealing with such Indians, and treaties between the Government of the United States and each such tribe, and report to Congress at the earliest practicable date, but not later than January 1, 1954, his recommendations for such legislation as, in his judgment, may be necessary to accomplish the purposes of this resolution.

H. Con. Res. 108. Concurrent resolution expressing the sense of Congress that certain tribes of Indians should be freed from Federal supervision; without amendment (Rept. No. 794).

Status of Indians in the United States

The resolution (H. Con. Res. 108) making the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States, and to grant them all of the rights and prerogatives pertaining to American citizenship, was considered, and agreed to.

THE EFFECTS OF TERMINATION ON THE MENOMINEE

Testimony on Senate Concurrent Resolution 26

Submitted to the Senate Committee
on Interior and Insular Affairs

July 21, 1971

by

ADA DEER, DRUMS Member and MEI Voting Trustee; LAUREL OTRADOVEC, President of the Keshena Chapter of DRUMS; LLOYD POWLESS, President of the Milwaukee Chapter of DRUMS; JAMES WHITE, President of the Chicago Chapter of DRUMS; GEORGIANA IGNACE, DRUMS Member and MEI Voting Trustee

All DRUMS Members of the Menominee Tribe

C O N T E N T S

1
INTRODUCTION

The Purpose of Our Statement

We are here today to testify on Senate Concurrent Resolution 26, and in our testimony we bring a message to you. Because of the importance of this message we wish to communicate it now, at the outset. We Menominee were among the first Indian tribes to be terminated under House Concurrent Resolution 108. We will tell you of the disastrous effects--poverty, loss of our assets, prevention of self-government, and threat to our very identity--wh termination has brought upon us, the Menominee. President Nixon, Senator Jackson, and the great majority of American Indians have criticized the general disaster and failure of termination.[1] Today we want to show you the specific disaster of termination with regard to the Menominee people. We hope that by learning what termination has done to us, you can understand more clearly the urgent need for your revoking the policy of termination by Resolution 26. We will support Resolution 26, but will not, and cannot stop at that. Is it enough to strike termination aside as a government policy, yet continue to let it bear down on terminated tribes? If Concurrent Resolution 26 is to have any vitality, it must undo the actual, specific wrongs Termination has brought to tribes like the Menominee. We urge Congress to go beyond the generality of Resolution 26 by ending the specific termination of the Menominee, and immediately reassuming its

treaty obligations towards us. As we hope you will come to see today, the future of our people hangs in the balance. That is our message.

Who We Are and Who We Represent

The Menominee people have seldom had the chance to tell their story to Congress, so today we are sincerely honored and pleased by this Committee's invitation to testify. We five, like all Menominee, are deeply opposed to the termination of our tribe. Like many of our people, we five have chosen to express this opposition through membership and activities in DRUMS (Determination of Rights and Unity of Menominee Stockholders), a Menominee movement, begun in 1970, and dedicated to the preservation of the Menominee tribe.

DRUMS members have formed chapters in Keshena (the county seat of Menominee County), Milwaukee, and Chicago, and are now organizing a new chapter in Green Bay. Specifically, DRUMS is struggling to reverse termination and to reform Menominee Enterprises, Inc. (MEI). MEI, the tribal corporation formed under termination and comprised only of enrolled Menominee Indians, owns and manages our tribal assets. Last April, 1971, DRUMS fought to end the seven-member MEI Voting Trust, which holds and votes all the shares of the Menominee, and which has prevented the Menominee people from controlling their corporation. Over 1200 Menominee shareholders, a majority of those who cast ballots voted to end the Voting Trust. Despite this majority of votes cast, the Termination Act required a majority vote of <u>all</u> outstanding shares, and thus the Voting

Trust was allowed to continue. Subsequent to this election, however, DRUMS succeeded in having two of its members, Georgiana Ignace and Ada Deer, elected as Trustees of the Voting Trust. DRUMS is also trying to halt MEI's sale of Menominee assets, specifically opposing MEI's attempt to broaden our tax base by its sale to non-Menominees of our land in the Legend Lake development.

Although we are testifying here today specifically in the spirit of the DRUMS movement, we can honestly tell you that almost every Menominee will agree with the fundamental points we will raise. All Menominee agree that our termination has been a disaster, and should be ended, that the sale and loss of our tribal and individual assets must be stopped, and that Menominee should be compensated for the losses they have suffered under termination. Our statement then, is what most Menominee would agree is the true story of the Menominee people.

2

A BRIEF PRE-TERMINATION HISTORY OF THE MENOMINEE

Our ancestors, a peaceable Algonquin people, once roamed freely in the woodlands of the Great Lakes, having come to that region with other Algonquin tribes about 4,000 years before the arrival of the white man.[2] Prior to 1831, the Menominee occupied a huge territory of nearly 9 1/2 million acres in what was to become the northeastern portion of Wisconsin and part of the Upper Peninsula of Michigan. Following the War of 1812, United States settlers swarming westward, were driving from the Great Lakes area most of its native American inhabitants. Deeply attached to their

ancient lands, our ancestors resisted the efforts of the federal government to resettle them west of the Mississippi. But through force of its greater power, the United States succeeded in securing from the Menominee a series of treaties by which they ceded most of their homeland to the United States and to other Indian tribes which the government was relocating. In the Wolf River Treaty of 1854, our people, faced with little choice, agreed to be confined to a site of roughly 234,000 acres along the Wolf River in northeastern Wisconsin.[3] This site became the Menominee Indian Reservation. Until termination, the federal government, in return for the land we had ceded it, held our lands and assets in trust for us, protected our various treaty rights, and through the BIA, managed our reservation and supplied us certain community services.

The century of Menominee/federal government relations, 1854-1954, involved both similarities and some important dissimilarities to the experiences of most native Americans in reservations. Like many other Indians bound by the paternalistic rule of the BIA, the Menominees suffered, and resented a lack of meaningful self-government. Unlike many other tribes, the Menominee rejected in the latter part of the nineteenth century BIA attempts to submit them to the government policy of allotment--an "experiment" that imposed private property ownership on Indians, later repudiated by Congress, by which Indians lost nearly 90,000,000 acres of their lands in 50 years.[4] The economic situation of the Menominee was somewhat better than that of many reservation tribes:

by virtue of our being situated in the midst of a magnificent forest, our people were able to develop a modest scale lumbering industry which provided the basis for some employment and income. Yet we Menominee had to fight to control our lumbering business, which was run by the BIA. Finally, winning the rights to review the BIA's budget and to sue the Bureau for any mismanagement of the forest, our tribe brought suit in the United States Court of Claims against the BIA for such mismanagement, and in 1951 netted a $7,650,000 judgment for damages.[5] By 1953, we Menominee were anxious to make further gains in self-government and management of our business and assets; yet we were well satisfied with federal protection of our assets, protection of our treaty rights, and provision of community services. Relative to many other tribes, we Menominee seemed to possess some of the ingredients for future prosperity. We had $10,000,000 in the United States Treasury, a source of employment and income in our lumbering operation, and owned our forest itself, valued at $36,000,000. In addition, we were one of the three Indian tribes in the country who were able to pay for the cost of most of our federal services. But let us stress that these appearances of wealth tend to hide the deeper facts that virtually all <u>individual</u> Menominee were poor, that our federal services were not of highest standard, that our housing, health, and education fell far below national norms, and that our stage of self-government was a tender, young one.[6] However, to many Menominee, the future seemed to hold th promise of eventual prosperity. But it was at this stage in our history that Congress decided to conduct another social experiment with Indians: termination.

3

THE ENACTMENT OF TERMINATION

Phase One: 1953-1958

We would like to review in some detail the history relating to the termination of our tribe.[7] We believe this history will help shed a clear light on the reasons why termination is a disasterous policy which should be totally rejected by Congress as it has been by nearly all American Indians.

Early in 1953, we Menominee wanted a portion of our 1951 settlement--about $5,000,000--distributed among ourselves on a $1,500 per capita basis. Since Congressional approval was required for such disbursement of our assets, (then) Representative Melvin Laird and Senator Joseph McCarthy introduced in Congress on behalf of our Tribe a bill to authorize the payment of our money to us.

This bill passed the House, but in hearings before the Senate Committee on Interior and Insular Affairs, it ran up against an amendment sponsored by the late Senator Arthur V. Watkins (R. Utah) calling for "termination" of federal supervision and assistance to the Menominee. Watkins and the Committee refused to report the bill favorably, calling upon us Menominee to submit a termination plan before we would be given our money! "Termination!" What did that mean? Certainly at that time, none of us Menominee realized what it meant! Because of the Senate Committee's reaction, a temporary deadlock had resulted. In June, 1953, we Menominee invited Senator Watkins to visit the Reservation and explain "termination" to us.

Senator Watkins badly wanted our termination. He was firmly convinced that factors such as our status as Reservation Indians, our tribal ownership of land, and our tax exemption were blocking our initiative, our freedom, and our development of private enterprise. He wished to see us rapidly assimilated into the mainstream of American society--as tax paying, hard working, "emancipated" citizens. Senator Watkins did not believe that our consent to termination was necessary for its enactment. Yet he knew that his cause would be helped if he could persuade us to agree to termination.

On June 20, 1953, Senator Watkins spoke for 45 minutes to our General Council. He told us that Congress had already decided on terminating us, and that at most we could have three years before our "affairs would be turned over to us"--and that we would not receive our per capitas until after termination.

After he left, our Council had the opportunity to vote on the "principle of termination!" Some opportunity! What little understanding we had of what termination would mean! The vote was 169 to 5 in favor of the "principle of termination." A mere 5 percent of the 3,200 Menominee people participated in this vote. Most of our people chose to be absent from the meeting in order to express their negative reaction to termination. Many who did vote affirmatively that day believed that termination was coming from Congress whether the Menominee liked it or not. Others thought that they were voting only in favor of receiving their per

capitas. At any rate, it is this farce of "democratic procedure" that is often cited as proof of our own acceptance of termination![8]

We then set about preparing a termination plan, which the BIA subsequently emasculated, and we received word that Senator Watkins was pressing ahead with his own termination bill. Another general council meeting was called, one which is seldom mentioned, but at which Menominee voted 197 to 0 to oppose and reject termination![9] But our feelings did not matter--and although the Watkins bill met a temporary defeat on technical grounds in the House late in 1953, Senator Watkins re-introduced it in 1954.

We became convinced that there was no alternative to accepting termination. Therefore, all we pleaded for was adequate time to plan this sudden and revolutionary change in our lives! On June 17, 1954, the Menominee Termination Act was signed into law by President Eisenhower.[10]

The Act gave us our per capita payments and provided that the Menominee tribal roll would be closed that same day; that the Tribe would submit a plan to provide for future control of tribal assets and that individual Menominee would not be entitled to any of the services provided by the United States for Indians; and that all United States statutes affecting Indians on account of their status as Indians would no longer be applicable to the Menominee. The full burden of providing community services, employment, and protection of our assets was to be transferred to our tribe.

We Menominee were initially given until 1958 to submit our plans; at that point, termination was to take effect. However, during the seven years following 1954, the termination plan was

shaped and reshaped by Congress, Wisconsin, and a few Menominee. Consequently, the termination deadline had to be extended several times.

The first phase of our termination ended with Congress requiring us to pay most of the costs associated with the planning for termination.[11]

Phase Two: 1958-1961

The second phase of our termination consisted in our belated preparation of our termination plan and final Congressional approval.

This termination plan was the work of the four-member, Council appointed Co-ordinating and Negotiating Committee, assisted by a large Milwaukee law firm. The Committee finished its plan in late 1958 and presented it to our General Council in January 1959, two weeks before the Washington deadline for submitting an approved plan. From January 9 to 17, this plan was discussed at Council meetings.

Our termination plan is a complex and lengthy legal document, and as one observant Menominee pointed out at those 1959 Council meetings, 99 percent of us did not know what it meant! Many of us believed at the time that our choice was either to accept <u>this</u> plan as written or to have one imposed on us by Washington. The alternative of composing an entirely different plan or of modifying the proposed plan was never made clear to us.

Our Council, largely acting in the belief that they had no alternative, approved a plan that the overwhelming majority of us didn't even read, much less comprehend! The final vote was 91 to 16. Ninety-one affirmative votes determined the future of 3,270 Menominees.[12]

Immediately after the 1954 termination, our once impressive asset of $10,000,000 began to vanish rapidly. Our $1,500 per capita payments consumed nearly $5,000,000. When the BIA discovered that for several years it had underpaid us on our annual dividends from forest profits (stumpage payments), another $2,000,000 of our assets was distributed as dividends. The costs of termination also cut deeply into our assets. The appearance of Menominee prosperity faded rapidly, and by 1960 our Tribe was operating at a $250,000 annual deficit. [13]

In order to preserve our tribal identity and gain a favorable tax status, Menominee voted in a referendum to become a separate county. Finally in 1961, our termination plan was approved by the federal government. Our termination was made effective, and we became the smallest and 72nd County in Wisconsin.

The Termination Plan

Before stating our conclusions about this crucial period in our history, we would like to explain the termination plan, which provided the basis for our post-termination way of life.[14] The plan created a corporation, Menominee Enterprises, Inc. (MEI) to hold and manage Menominee assets. Title to all Menominee

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tribal assets--the forest, saw-mill, public utilities, and land--passed to MEI. Each of the 3,270 enrolled Menominee was given 100 $1 par value shares of stock in his corporation. In addition, each enrolled Menominee was issued an MEI income bond guaranteed to mature at $3,000 on December 1, 2000. Each bond bears interest at 4 percent per year, or $120. This sum serves as the equivalent of the annual stumpage payments made to each Menominee prior to termination. The termination plan provided that Menominee could use their income bonds to buy property from MEI.

The corporation is effectively controlled by a Voting Trust, which at time of termination numbered seven members, but recently increased to eleven members. The Voting Trust holds and exercises the voting rights of all the shares of the individual Menominee shareholders. The Voting Trust elects a nine-member Board of Directors which manages MEI, and these Directors in turn elect the officers of the Corporation.

In return for surrendering their stock and stock rights to the Voting Trust, each Menominee received a Voting Trust Certificate which confers upon him two rights: to vote for one trustee to the Voting Trust each year, and at the end of three successive 10-year periods, which commenced in 1971, to vote whether or not to abolish the Trust. Under the termination plan, all the trust certificates of Menominee minors and "incompetents" were turned over to the First Wisconsin Trust Company, which in turn set up the "Menominee Assistance Trust" to manage and to vote this bloc of certificates.

When we consider below the effects of termination, we will show you how this plan has prevented any real self-government for the Menominee people.

C O N C L U S I O N

Termination represented a gigantic and revolutionary forced change in the traditional Menominee way of life. Congress expected us to replace our Indian way of life with a complicated corporate style of living. Congress expected immediate Menominee assimilation of non-Indian culture, values, and life styles.

The truth is that we Menominee have never wanted such changes imposed upon us, any more than you would want an Indian way of life imposed upon you. Virtually all Menominee were and are opposed to termination. Termination was never adequately explained to us. Worse, we were never given the chance to express our feelings about termination in any referendum. The 1953 and 1959 Council "approvals" of the principle of termination and the termination plan, representing the intimidated, uninformed votes of 5 percent of our people, can never be cited by Congress as a just mandate for imposing termination on us.

Congress did not conduct careful and intensive studies on the possible effects of such unprecedented legislation. Congress did not seek to discover our true feelings about termination; instead termination was imposed upon us.

To Menominee, the real meaning of the termination period is this: Congress decided unilaterally to end its treaty obligations toward us, and attempted to thrust us unprepared and uninformed into a way of life completely unacceptable to us. The effects of this transition have been tragic and disastrous.

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THE EFFECTS OF TERMINATION ON THE MENOMINEE

The Immediate Effect

The immediate effect of termination on our tribe was the loss of most of our hundred-year-old treaty rights, protections, and services. No amount of explanation or imagination prior to termination could have prepared us for the shock of what these losses have meant.

Congress withdrew its trusteeship of our lands, transferring to MEI the responsibility for protecting these lands, our greatest assets. As we shall explain, far from being able to preserve our land, MEI has been forced to sell it. And because our land is now being sold to non-Menominee, termination is doing to us what allotment has done to other Indian tribes.

Congress also extinguished our ancient system of tribal "ownership" of land (under which no individual had separate title to his home) and transferred title to MEI. Consequently, we individual Menominee suddenly discovered that we would be forced to buy from MEI the land which had always been considered our own, and to pay for title to our homesites. Thus began the tragic process of our corporation "feeding off" our people.

We Menominee lost our right of tax exemption. Both MEI and individual Menominee found themselves saddled with tax burdens particularly crushing to a small tribe struggling to develop economically.

BIA health, education and utility services ceased. We lost all medical and dental care within the Reservation. Both our reservation school and hospital were closed because they failed to meet state standards. Individual Menominee were forced to pay for electricity and water that they previously received at no cost. Our county found it had to renovate at high cost its substandard sewerage system.

Finally, with termination and the closing of our tribal rolls, our children born since 1954 have been legally deprived of their birthright as Menominee Indians. Like all other Menominee, they have lost their entitlement to United States Government benefits and services to Indians. These children may inherit only their parents' portion of Menominee assets--which means that if the parent's share has been lost or dissipated, their children lose forever any chance to share in tribal assets. The only major Menominee treaty right which the government has allowed us to retain has been our hunting and fishing right. Wisconsin had tried to deprive us of this right, but in 1968, after costly litigation, the United States Supreme Court ruled that this treaty right had "survived" termination. This decision raised the question as to whether other rights have also "survived" our termination.[15]

We hope you can appreciate the magnitude of these treaty losses to us. Visualize a situation similar to ours happening in one of your home states. Imagine the outrage of the people in one of your own communities if Congress should attempt to terminate their basic property, inheritance, and civil rights.

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Long-Range Effects

We believe that termination has produced three major long-range effects on the Menominee people, each one a disaster in itself.

First, termination has transformed Menominee County into a "pocket of poverty", kept from total ruin only by massive transfusions of special federal and state aid, welfare payments, and OEO spending.

Second, termination has forced our community to sell its assets. Consequently, both tribal and individual assets are being lost at an incredible rate.

Third, the mechanics of the termination plan has denied the Menominee people a democracy.

The Poverty of Menominee County

First, let us tell you about our people's far-reaching poverty, which extends beyond mere income levels to practically all other areas of our life.

Today Menominee County is the poorest county in Wisconsin.[16] It has the highest birthrate in the state and ranks at or near the bottom of Wisconsin counties in income, housing, property value, education, employment, sanitation and health. The most recent figures available (1967) show that the annual income of nearly 80 percent of our families falls below the federal poverty level of

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$3,000. The per capita annual income of our wage earners in 1965 was estimated at $881, the lowest in the state.

Our county does not have diversified industry. Over 70 percent of those employed work in our MEI lumber industry. In 1968, 24.4 percent of our people were unemployed, the highest unemployment rate in the state.

This lack of employment opportunities, combined with our high birthrate, forced nearly 50 percent of our county residents to go on welfare in 1968. Welfare costs in the county for 1968 were over $766,000 and our per capita welfare payment was the highest in the state. The majority of Menominee who have left our county to seek work in the cities have become trapped in poverty there also.

With the closing of the BIA hospital, we lost most of our health services, and most Menominee continue to suffer from lack of medical care. There have been no full-time doctors or dentists in Menominee County since termination. Shortly after termination, our people were stricken by a TB epidemic which caused great suffering and hardship because of the lack of local medical facilities. Consequently, the state and county had to spend nearly $200,000 in order to bring the epidemic under control. Our people continue to fear the possible recurrence of other such disasters. We feel helpless because resources are not available to provide adequate medical facilities.

Education in Menominee County - which theoretically should offer our people a hope of future advancement - has also suffered because of termination. The loss of the BIA school required that our youth be sent to Shawano County for their high school training. The Shawano school system has assumed that Menominee children possess the same cultural and historical background as a middle-class white community. Consequently, the school system has shown insensitivity to the cultural background and the special needs of our children. In many cases, our children find themselves objects of rejection and discrimination. Since 1961, our high school drop-out rates have increased substantially, absenteeism has soared, and our children apparently are suffering a downward trend in achievement. Comparisons based on educational achievement tests show that Menominee children fall significantly below district and national norms.[17]

How did termination bring our poverty about?

We can answer this question from two viewpoints: economic and cultural.

First, from the economic viewpoint: As we have already mentioned, in 1954 we Menominee seemed prosperous in comparison to other tribes, but deeper examination of our situation would have revealed that our resources were not sufficient for us to finance a county form of government. Our once extensive cash assets were largely eaten up by the expense of termination. The termination act required that MEI lumber our forest by continuous yield. This has meant that year after year only a limited amount

of lumber could be taken, and thus, only a limited amount of income could be derived by MEI. Yet after termination became effective, MEI faced the financial burdens of providing employment to the Menominee people and operating a county government. Confronted with inadequate reserves and an inadequate tax base, MEI turned to the first of several drastic measures. To maximize the efficiency of its operation, MEI was forced to reduce its work force, which aggrevated an already severe unemployment problem.

The financial strain imposed on individual Menominee was equally devastating. We found ourselves faced with new and heavy expenses, including taxes, utility costs and, worst of all, land payments. These financial burdens, combined with the lack of jobs, resulted in greater poverty than ever before. Thus, termination has weighed down our small, poor community and our single industry with crushing new expenses impossible to meet - all done in the apparent expectation that we then somehow "make it" economically!

The only factor which has prevented us and MEI from complete collapse has been the huge stop-gap financial assistance that the federal and state governments have given us. Since 1961 over $6,000,000 in special federal and state aid has been expended in Menominee County. Over $2,000,000 in state and federal welfare payments has been made to us since 1961, and since 1961 nearly $1,500,000 in OEO money has also been spent within the county.[18]

These payments are only a temporary solution, having been used only to pay for on-going community services and to keep our people from starvation. This special funding does absolutely nothing to attack the basic causes of Menominee poverty: our lack of diversified industry, our dearth of economic opportunities, our negligible investment capital, and our inadequate tax base.

From the cultural viewpoint: Regardless of how much money is spent in Menominee County, the essential problem will remain. The government is asking us to make a success of the termination policy which we have bitterly opposed from the start. We are expected to give up our Indianness and adopt a way of life none of us want. Such an experiment as this can never work; it will only continue to impoverish our people.

The Loss of Menominee Assets

Termination has trapped Menominee in a vicious circle. Once a community reaches the poverty level of Menominee County, it can exist only by feeding upon itself and its limited assets. This is exactly what is happening to us today, and our assets are being lost at an alarming rate through the actions of both MEI and individual Menominees.

As the 1969 Wisconsin Menominee Indian Study Committee Report states: "The major economic problem of Menominee County has been the

need to expand the tax base."[19] Because special federal and state assistance seems to be drying up, MEI must look elsewhere for tax relief. So, with the tragic inevitability that befalls Indians in situations like this, MEI has finally turned to the sale of our most precious asset, our land. In 1968, MEI entered into a joint venture with a private lake developer for the creation in our county of a large artificial lake, Legend Lake, surrounded by homesites to be made available to non-Indians. Through this joint venture MEI has sold 8,760 acres of our most valuable land. If completed, this resort-retirement-vacation Mecca in the heart of our land will offer nearly 2,000 lots for sale to non-Indians.[20]

It is true that this development has temporarily expanded our tax base. On the face of it, MEI has taken a step to attack one of the roots of our poverty. But the negative effects of this policy outweigh the advantages. We have finally been forced to start selling our land to generate cash for payment of community services. This is somewhat like burning down your house to keep warm in a blizzard. The added population of non-Menominee land owners will require additional police and fire protection, road maintenance, and other basic county services; sewerage and water systems will have to be built and maintained. The increased tax income that will result from these property owners will soon be consumed by the costs of these new services. MEI management has indicated that this development is intended only for summer residents and older people who will not require many services. Nonetheless,

the promotional literature for Legend Lake extols the year-round use of Menominee land and suggests the beautiful retirement possibilities. If even one half of the 2,000 lots become permanent homesites, not only will our expanded tax base be eaten up by providing additional services for the new land owners, but this new population of non-Indians, will outnumber us Menominee. The probable result is obvious: outnumbered and outvoted, our most valuable land sold, our survival as an Indian community will be doomed.

Menominee assets have also been lost by the individual Menominee. The first asset lost by many of us was our income bond. If a Menominee needed money he could sell his bond to MEI for a fraction of its face value. Although he would gain the advantage of having the cash, he lost forever his claim to the annual 4 percent "stumpage" payment. There was, however, always at least one alternative: welfare. But to qualify for welfare as a Menominee, we must first assign our bond to the State of Wisconsin. By doing so we can meet the State welfare requirement of having not more than $500 in negotiable assets, yet we once again lose our right to a "stumpage" payment. Under this charitable program, Wisconsin has managed to collect over $1,200,000 worth of Menominee bonds.[21] Many of us Menominee have been forced to use our bonds to purchase from MEI the land which used to be considered our own.

In each of the above cases the Menominee loses his only tangible share of the tribal assets. And because of the general

misunderstanding and lack of knowledge with regard to the termination agreement, many Menominee falsely believed that because they had lost these bonds, they had also assigned away their rights to vote in MEI affairs, and thus their right to take an active part in the county's operations. Although precise figures are not yet available, it is probably safe to say that most Menominee have by now lost their bonds.

The hardest hit Menominee are those who not only have lost their bonds by using them to buy land from MEI, but who then go on to lose their land on account of their inability to pay taxes. Again, while precise figures are not yet available, it is common knowledge among our people that a great number of us have lost our property through tax delinquency.

Another asset we may lose in the future is our MEI common stock. Although we Menominee recently voted to retain our stock as non-negotiable until 1974, the continuing pressure of poverty might yet force many of us to vote for its negotiability. And once we are compelled to part with our stock, we will then have surrendered the last vestige of our individual share of tribal wealth.

Prevention of Menominee Democracy

Another frustration which termination brought our people has been our lack of control over our own destiny. As was previously mentioned, erroneous information, misunderstandings, and our own inability to comprehend the total subject matter prevented us Menominee from taking any meaningful part in the development of our own termination plan.

The corporate-county situation which was established by the termination plan was set up in such a way as to further deny us a voice in our own affairs. The seven member voting trust took upon itself all the voting rights of all the shareholders. We were forced to wait for a full ten years, until 1971, before we could vote to alter or abolish this trust.

As we stated in our introduction, despite the fact that the majority of Menominee who participated in the 1971 election voted to abolish the trust, it was allowed to continue because a majority vote of all outstanding shares was required. Thus, any Menominee not voting, was, in effect, counted as being in favor of continuance of the Trust. Since many Menominee were scattered all over the country and were unreachable, and since many Menominee do not understand all the legal complications involved in exercising their voting rights, and above all, since the First Wisconsin Assistance Trust "bloc-voted" 48,000 shares to continue the trust, securing such an absolute majority was a next-to-impossible effort.

However, a hopeful democratic development has been the enlargement of the voting trust to eleven members, and the election to it of two DRUMS members.

The most blatant denial of democracy which the Menominee have suffered is the imposition of the First Wisconsin Assistance Trust, which manages and votes the Trust Certificates of minor and "incompetent" Menominee. DRUMS is currently challenging the constitutionality of this Trust in court. The establishment of the Assistance Trust denied Menominee the right, which is enjoyed by all citizens of Wisconsin, to name or have appointed individual guardians of their own choice. The Trust also denied "incompetents" the right, held by other Wisconsin citizens, to a judicial determination of their alleged incompetency.

As Menominee have been coming of age, the power of this Trust has somewhat declined. But since its inception, the Assistance Trust has wielded an enormous voting power, completely disproportionate to the number of trust certificates it holds. The history of voting for trustees to the Voting Trust at annual meetings of MEI reveals that from 1961 to 1968, while the percentage of trust certificates held by the Assistance Trust has declined from 42 percent to 21 percent, the Trust has in every election voted from 80 percent to 92 percent of the total votes cast.[22] Because the Assistance Trust has dominated the election of the Voting Trustees, in effect, it has indirectly dominated the affairs of MEI. The low percentage of Menominee votes cast in these Trustee elections has resulted from many factors: lack of adequate notice of these meetings by MEI, the increasing dispersal

of Menominee around the country, the continuing lack of understanding by many Menominee of these intricate corporate practises, and the decision of many of our people to boycott elections which they have regarded as essentially undemocratic.

Another way in which self-government has been kept from us concerns the corporate rules regarding sale of our land. Article XII of the MEI Articles of Incorporation requires that in order to "sell, exchange, assign, convey, or otherwise transfer" all or any portion of the real property which it owns, MEI must secure prior approval "by the affirmative vote of the holders of not less than two-thirds of the outstanding shares of stock, entitled to vote thereon."[23] If this Article had been followed by MEI, it would never have received the approval of the Menominee people to sell our land in the Legend Lake project. But the seven members of the Voting Trust interpreted this Article to require only their two-thirds approval. Consequently, the Voting Trust approved this sale of our land, and again, we Menominee people were denied a voice in one of the most crucial decisions ever undertaken in our history.

Conclusions: The End of the Menominee Indian Community?

We have told a story which is very tragic, yet it is the true story of the Menominee people since termination. We have told how termination has meant the loss of treaty benefits, has pushed our already poor community further into the depths of poverty, forced our sale of assets; and denied us a democratic community.

Our community is being physically divided by the sale of our heart-land to non Indians. Moreover, the Menominee cannot

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escape forever the destructive psychological effects of living in destitution. The pride and self-image of the Menominee is threatened by poverty and lack of self-determination.

All of these effects are the result of termination; and they combine to threaten the very existence of our people as an Indian community; an identity which we shall never want to relinquish.

5

SENATE CONCURRENT RESOLUTION 26

As we stated at the beginning of our testimony, one of our purposes today is to make clear to this committee what termination has meant as a reality in the lives of Indians. By showing you the deadly effects and utter failure of this Congressional policy with regard to us, the Menominee people, we hope that we have helped you realize the imperative need for Congressional repudiation of the policy of termination. When Senator Jackson, introducing Resolution 26, spoke of termination as being "...totally and absolutely unacceptable to the majority of the Indian people...", he simply spoke the truth. And does not our story today demonstrate why he spoke the truth?

As a first step in undoing the disaster of termination we are heartened by, and urge this Committee's acceptance of, Senate Concurrent Resolution 26. We would like to make the following observations concerning Resolution 26:

1. We support the recognition, which Resolution 26 expresses, of Federal responsibility "...to protect Indian lands, resources and rights as well as to provide basic community services to Indian and Alaska Native peoples residing on reservations and in other traditional trust areas."

2. We support the Resolution's recognition of Indians' rights "...to share and participate on the same basis as all other citizens in the full range of social and economic development programs authorized by Federal, State, and local units of government."

3. As to the specific sections of the Resolution itself:

(a) In section (1), we support both the recognition of the "unique relationship" which exists between Indians and the federal government, and the commitment which this section demands of the government to give Indians and Alaska natives "...the freedom and encouragement...to determine their own future to the maximum extent possible."

(b) We strongly support section (2)'s repudiation of Concurrent Resolution 108, which initiated the policy of termination.

(c) We support section (3)'s stand on behalf of a national goal to maximize opportunities for Indian control and self-determination.

(d) We support section (4)'s call for government programs to assist Indians living off the reservation.

(e) We support section (5)'s statement that "American Indian property will be protected; Indian culture and identity will be respected..."

In short, this Resolution seems to reject the equally damaging extremes of BIA paternalism and termination. At long last, through this Resolution, Congress seems to be recognizing that it can encourage Indians to steer a course of self determination, without at the same time abrogating its moral and treaty obligations to protect Indian assets and rights and to provide them services.

Of course, we want to state that what we are supporting here today are words. This resolution's words, although fine and hopeful, are nothing more than words. And while we are encouraged by these words, we say to this committee that this resolution is couched in what seems to us binding language; it seems to us no idle promise. And for this resolution to breathe with life, the government must enact what the resolution calls for. The government will be judged by us in terms of what it does to carry out the commitments of Resolution 26.

We have expressed our support of this resolution. We have told you the story of the continuing disaster which termination has wrought on our people. And now, would it seem to you proper for us to return to our people, satisfied that we have done a good day's work on their behalf? Have we said all that needs to be said?

Ask yourselves: What does Resolution 26 do for Indians like the Menominee who have already suffered the impact of termination? Will you allow the effects of termination to continue until all Menominee are paupers, until most of us must flee the dwindling remnant of our homeland, until our county and corporation go bankrupt, until all our remaining land is sold to those modern settlers seeking a recreation paradise in our homeland, until in short, we Menominee are terminated as a people, and Menominee land passes forever out of our hands?

6

BUT WHAT ABOUT THE MENOMINEE?

Above all else we ask that Congress repair the damage which termination has wrought on us, the Menominee. We ask Congress to reassert and reassume its treaty obligations toward us: namely, to protect our lands, assets, resources, and rights, and to provide us basic community services. We ask that the termination of the Menominee tribe be ended, and that from now on the federal government treat us in a manner consistent with the spirit and letter of Resolution 26.

Accordingly, we bring you today the DRUMS plan for the preservation of the Menominee tribe. We urge you to adopt this plan. We strongly believe that it offers us Menominee people our only hope of a future and presents Congress with a method of righting the wrongs done to us by termination.

Our plan is as follows:

The Committee on Interior and Insular Affairs should amend Senate Concurrent Resolution 26 by inserting the following section (7) after section (6) of the Resolution:

> "(7) recognition be taken of the disaster and failure of the termination of the Menominee tribe; and Congress shall immediately enact legislation to reverse termination of the Menominee tribe, and shall reassume its treaty obligations to protect Menominee lands, assets, resources, and rights; and shall provide adequate and basic community services to the Menominee people; and henceforth government relations with the Menominee people shall be based on the spirit and letter of this Resolution 26."

Following adoption of the suggested amendment (7) to Senate Concurrent Resolution 26, Congress, in order to rectify certain major problems caused by the termination of the Menominee, should immediately enact legislation to:

1) restore all Menominee to their legal status as American Indians, thereby entitling them to all the government services and benefits available to Indians;

2) reopen the Menominee tribal rolls, so that Menominee Indians born since 1954 can be legally recognized as Menominee, and regain their rightful share of tribal assets;

3) dissolve MEI and restore all its remaining assets to the status of tribal property, to be held in trust by the federal government;

4) purchase all Menominee land lost as the result of termination and restore it to the Menominee tribe;

5) award compensation to the Menominee tribe for the damages it suffered under termination; and,

6) establish an economic development program among the Menominee to attack the principle causes of our present poverty.

* * * * * * * * *

We end our statement by thanking you for giving us this opportunity to testify. We believe that you have heard today the true desires of our people, and on behalf of all Menominee, we strongly urge your adoption of both Senate Concurrent Resolution 26 and the DRUMS plan we have proposed here today.

N O T E S

1. See Statement of President Nixon on Indian Policy, July 8, 1970, and Introduction of Senate Concurrent Resolution 26 by Senator Jackson in Cong. Rec. - Sen., May 14, 1971, pp. S-6934 - 6936.

2. For material on the early history of the Menominee, see the standard work: Felix Keesing, The Menominee Indian of Wisconsin.

3. The Wolf River Treaty is reported at 10 Stats. P. 1064.

4. See the House Report on the Indian Reorganization Act of 1934, H. Rept. 1804, 73d Cong., 2d sess., (May 28, 1934), p. 6.

5. See Ferial Deer Skye, A Short Narrative History of the Menominee Indians of Wisconsin, Menominee County: Keshena, WI (1966), pp. 20-21.

6. See Gary Orfield, Report on the Termination of the Menominee Reservation, University of Chicago: Chicago. (1965), Chapter 3.

7. See Orfield for the best history of the Menominee Termination. The material in this section is contained in his report at cc. 1 - 5.

8. See Orfield for a good description of this Council meeting, at Ch. 3, pp. 4 - 5.

9. Ibid.

10. The Termination Act is reported at 25 USC Secs. 891 - 902.

11. Orfield, Ch. 2, pp. 7 - 8.

12. Orfield, Ch. 3, pp. 18 - 22.

13. Gary Orfield, "The War on Menominee Poverty," University of Chicago: Chicago (1966), p. 11.

14. The Termination Plan is set out at Fed. Reg. Vol. 26, No. 82, April 29, 1961, pp. 3726 - 3755.

15. Menominee Tribe v. United States 391 U.S. 404 (1968).

16. Unless otherwise noted, the statistics quoted in this subsection are all shown in: Wisconsin Legislative Council 1969 Report, Vol. VIII, Report of the Menominee Indian Study Committee, 1969, pp. 13-33.

17. See Wisconsin Judicare, Report on the Education of Menominee Youth, Madison (1971) for a thorough discussion of Menominee education problem.

18. Wisconsin Legislative Council 1969 Report, Vol. VIII, and data shown in Wisconsin OEO records.

19. Wisconsin Legislative Council 1969 Report, Vol. VIII, p. 13.

20. A description and defense of this venture as provided in George Kenote's "An Information Report: Tax Consequences and Resources, Menominee County, Wisconsin, 1971," Neopit, Wisconsin 1971.

21. Wisconsin Legislative Council, 1969 Report, Vol. VIII, p.28.

22. Ibid., p. 16.

23. MEI Articles of Incorporation, Article XII, Fed. Reg., Vol. 26, No. 82, April 29, 1961, p. 3729.

1971 STATE OF WISCONSIN LRB-3718/1
MV:hs

1971 SENATE BILL 493

May 6, 1971 – Introduced by Senators R. La FAVE, LORGE, McKENNA, C. THOMPSON and CHILSEN; cosponsored by Representatives FROEHLICH, ROGERS and GROVER, by request of Menominee Indian Study Committee. Referred to Committee on Health and Social Services.

AN ACT to create 20.255 (1) (em) of the statutes, relating to state aid for salaries of certain home school coordinators for Indian students and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill establishes a state aid program for school districts employing a "home school coordinator for Indian students" where the school district is not reimbursed for the coordinator's salary by the federal government. In that case under this bill, the state will make the reimbursement. Because the federal government makes the reimbursement unless reservation status has been terminated, the only school district to which this bill will apply is the one containing Menominee county.

For further information, see the appended fiscal note.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

20.255 (1) (em) of the statutes is created to read:

20.255 (1) (em) Aid for home school coordinators. A sum sufficient to reimburse those school districts which employ a home school coordinator for Indian students for the salary of the coordinator if the federal government does not pay the salary. Reimbursement may be made only if the salary is set with the prior approval of the department.

(End)

1971 STATE OF WISCONSIN LRB-3718
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FISCAL NOTE TO 1971 SENATE BILL 493

FISCAL NOTE: This proposal would provide state aid to local school districts who employ a "home school coordinator for Indian students". The state aid would reimburse the district for the coordinator's salary. State aid payments would be limited to school districts where the federal government does not pay the salary.

Federal payments of coordinator's salaries are limited to school districts which have a Johnson-O'Malley contract based on a sizable number of Indian students residing on non-taxable Indian lands.

At present there are four school districts in Wisconsin who have sizable enrollments of Indian students who desire the services of a home school coordinator, however, the students reside on taxable lands and therefore the schools are not eligible for federal funds.

The Milwaukee school district has approximately 500 Indian students attending the public schools in Milwaukee. They could use the services of 2 coordinators.

The Shawano school district has an enrollment of approximately 900 Indian students in the Shawano school district and also needs 2 coordinators.

The Wittenberg and Tomah school districts have a sizable number of Indian students enrolled in each district and each district could use the services of a coordinator.

Six coordinators at salaries of $10,000 per coordinator for 1971-72 would require $60,000.

Six coordinators at salaries of $10,600 for 1972-73 would require $63,600 for a biennial cost of $123,600.

DEPARTMENT OF PUBLIC INSTRUCTION

1971 STATE OF WISCONSIN LRB-2119/2
MV:ss

1971 SENATE BILL 494

May 6, 1971 – Introduced by Senators R. La FAVE, LORGE, PELOQUIN, McKENNA, C. THOMPSON and CHILSEN; cosponsored by Representatives FROEHLICH, ROGERS and GROVER, by request of Great Lakes Inter-Tribal Council and Menominee Indian Study Committee. Referred to Committee on Education.

AN ACT to amend 115.32 (1) of the statutes, relating to state scholarships for Indians attending private colleges in this state.

Analysis by the Legislative Reference Bureau

The department of public instruction presently operates a scholarship program for Indians who are Wisconsin residents and who attend public colleges and universities in this state. This bill extends the program to permit attendance at private colleges and universities in this state, as well. The bill further changes an authorization that the state superintendent may award a scholarship to any resident Indian to be a requirement that he shall award a scholarship to any resident Indian.

For further information, see the appended fiscal note.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

115.32 (1) of the statutes is amended to read:

115.32 (1) The state superintendent ~~may~~ shall award scholarships to any Indian student who is a resident of this state to help defray the costs of tuition, incidental fees and room and board while attending any accredited degree-granting college or university located in ~~and financed by~~ this state.

(End)

1971 STATE OF WISCONSIN LRB-2119
hs:2

FISCAL NOTE TO 1971 SENATE BILL 494

FISCAL NOTE: This proposal permits the state to fund Indian Scholarship grants to students attending private colleges.

At present, the Bureau of Indian Affairs provides Indian Scholarship funds to Indian students in Wisconsin from all of the tribes except the Menominees.

Under this proposal the state would be providing scholarship grants to Menominees who are attending private colleges.

It is estimated that ten Menominee students would be eligible to receive state funds under this proposal.

10 x $900 (maximum grant) = $9,000

This proposal would require additional state funds in the amount of $9,000 annually or $18,000 for the 1971-73 biennium.

DEPARTMENT OF PUBLIC INSTRUCTION

1971 STATE OF WISCONSIN LRB-2546/1
MY:ss

1971 SENATE BILL 495

May 6, 1971 – Introduced by Senators R. La FAVE, LORGE, PELOQUIN, C. THOMPSON, McKENNA and CHILSEN; cosponsored by Representatives FROEHLICH, ROGERS and GROVER, by request of Great Lakes Inter-Tribal Council and Menominee Indian Study Committee. Referred to Committee on Education.

AN ACT to repeal and recreate 115.32 (2) of the statutes, relating to Indian scholarships for summer session attendance at universities.

Analysis by the Legislative Reference Bureau

This bill extends the Indian scholarship program in the department of public instruction, which now covers regular year attendance at Wisconsin public universities, to also apply to summer school attendance. Maximum grants for summer school will be $350.

For further information, see the appended fiscal note.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

115.32 (2) of the statutes is repealed and recreated to read:

115.32 (2) (a) The state superintendent shall set standards to determine the amount to be granted. For the regular academic year, the grant to any one student shall not exceed $900 and, if the course of study is less than 36 weeks per year, shall be prorated. For a summer session, the grant to any one student shall not exceed $350.

1971 STATE OF WISCONSIN LRB-2546
hs:1

FISCAL NOTE TO 1971 SENATE BILL 495

FISCAL NOTE: This proposal provides state funds for Indian Scholarship grants for Summer School attendance.

It is estimated that 10 Summer School Scholarship grants would be awarded annually at $350 per grant, for a total of $3,500 annually.

This proposal would require an additional $7,000 for the 1971-73 biennium.

DEPARTMENT OF PUBLIC INSTRUCTION

1971 STATE OF WISCONSIN LRB-3477/1
MV:kb

1971 SENATE BILL 496

May 6, 1971 – Introduced by Senators R. La FAVE, LORGE, PELOQUIN, McKENNA, C. THOMPSON and CHILSEN; cosponsored by Representatives FROEHLICH, ROGERS and GROVER, by request of Great Lakes Inter-Tribal Council and Menominee Indian Study Committee. Referred to Committee on Education.

AN ACT to create 115.32 (4) of the statutes, relating to Indian scholarships for part-time enrollment at certain public universities.

Analysis by the Legislative Reference Bureau

This bill establishes a 2-year pilot program under the existing Indian scholarship program in the department of public instruction. The pilot program provides for 100 scholarships for part-time enrollment at UW-Milwaukee, UW-Green Bay, WSU-Stevens Point or WSU-Superior.

For further information, see the appended fiscal note.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

115.32 (4) of the statutes is created to read:

115.32 (4) (a) The scholarship program established under this subsection shall be a pilot program initially and, unless renewed by the legislature, shall expire on June 30, 1973.

(b) Under the criteria set by this section, the state superintendent shall award 100 scholarships per academic year for part-time attendance at the university of Wisconsin campuses at Milwaukee or Green Bay or the state universities at Stevens Point or

1971 STATE OF WISCONSIN LRB-3477
ss:1

FISCAL NOTE TO 1971 SENATE BILL 496

FISCAL NOTE: This proposal establishes a 2-year pilot program under the existing Indian Scholarship Program and provides for 100 scholarships for part-time enrollment at U.W. - Milwaukee, U.W. - Green Bay, W.S.U. - Stevens Point, or W.S.U. at Superior.

The amount of the grant payable for part-time enrollment is based on the same ratio to the amount payable for a full-time grant as the enrollment of the individual is to a full-time enrollment.

Part-time enrollment is estimated to average 1/5 of the time involved in full time and, therefore, a grant of $180 would be considered average for part time.

100 scholarships at $180 = $18,000 annually

This would require an appropriation of $36,000 for the two years the pilot project is in effect (1971-73).

DEPARTMENT OF PUBLIC INSTRUCTION

1971 STATE OF WISCONSIN LRB-2120/2
MV:ss

1971 SENATE BILL 497

May 6, 1971 – Introduced by Senators R. La FAVE, LORGE, McKENNA, C. THOMPSON and CHILSEN; cosponsored by Representatives FROEHLICH, ROGERS and GROVER, by request of Great Lakes Inter-Tribal Council and Menominee Indian Study Committee. Referred to Committee on Education.

AN ACT to repeal 115.32 (3) (d); and to amend 115.32 (2) and (3) (c) of the statutes, relating to amounts of and eligibility requirements for Indian scholarships.

Analysis by the Legislative Reference Bureau

This bill makes the following changes in the Indian college scholarship program administered by the department of public instruction.

1. It increases the maximum yearly amount of a scholarship from $900 to $1,500.

2. It eliminates the present requirement that an applicant have graduated in the upper 2/3 of his high school class.

3. It changes an existing requirement that an applicant have "the capacity to profit from" college or university work to a requirement that he have been admitted to a college or university.

4. It makes the continuation of a scholarship for subsequent school years automatic upon the student's acceptance by his institution for that year.

For further information, see the appended fiscal note.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 115.32 (2) and (3) (c) of the statutes are amended to read:

115.32 (2) The state superintendent shall set standards to determine the amount to be granted. The grant to any one student

1971 STATE OF WISCONSIN LRB-3498
MV:hs:1

SENATE AMENDMENT 1 ,

TO 1971 SENATE BILL 497

May 12, 1971 – Offered by Senator R. La FAVE, by request of Great Lakes Inter-Tribal Council and Menominee Indian Study Committee.

Amend the bill as follows:

On page 2, line 5, strike through "4" and insert thereafter "5".

(End)

1971 STATE OF WISCONSIN LRB-2120
11n:2

FISCAL NOTE TO 1971 SENATE BILL 497

FISCAL NOTE: This proposal eliminates the present requirement that an applicant for an Indian Scholarship grant be in the upper 2/3 of his graduating class. It also eliminates the requirement that the applicant have "the capacity to profit from appropriate college or university work".

The elimination of these two requirements will add an estimated 25 students to the grant program annually.

This proposal increases the maximum grant per year from $900 to $1,500. The average grant awarded during 1970-71 was $825. It is estimated that the average grant awarded with the $1,500 ceiling would be $1,350 — an increase of $525 per student.

Elimination of present requirements:

1971-72	25 x $1,350	=	$33,750	
1972-73	25 x 1,350	=	33,750	$67,500

The projection for 1971-72 and 1972-73 under present statutory commitments indicates 130 grants awarded during 1971-72 and 138 in 1972-73.

1971-72:	130 x $525	=	68,250	
1972-73:	138 x 525	=	72,450	$140,700

The increases proposed in this bill would be absorbed partially by the Bureau of Indian Affairs Scholarship Grant.

Requirement change:	Federal	State
1971-72	16,875	16,875
1972-73	16,875	16,875
	$33,750	$33,750

Maximum Grant change:	Federal	State
1971-72	34,125	34,125
1972-73	36,225	36,225
	$70,350	$70,350

This proposal would increase state funding as follows:

1971-72	$51,000	
1972-73	53,100	1971-73 Biennium $104,100

DEPARTMENT OF PUBLIC INSTRUCTION

1971

STATE OF WISCONSIN

LRB-1679/4
MV:ss

1971 SENATE BILL 498

May 6, 1971 – Introduced by Senators R. La FAVE, LORGE, PELOQUIN, McKENNA, C. THOMPSON and CHILSEN; cosponsored by Representatives FROEHLICH, ROGERS and GROVER, by request of Menominee Indian Study Committee. Referred to Committee on Governmental and Veterans Affairs.

AN ACT to amend 13.83 (3) (b) 1, 2 and 4; and to create 13.83 (3) (bm) of the statutes, relating to alterations in membership, and the method of their selection, of the Menominee Indians committee and providing for alternate members and advisors to the committee.

Analysis by the Legislative Reference Bureau

This bill alters the membership of the Menominee Indians committee as follows:

1. It changes the legislative membership (now one senator and 2 representatives) appointed by the legislative council to consist of 3 senators and 3 representatives, including one Republican and one Democrat from each house and also requires that they include the senator and representative whose districts contain Menominee county.

2. It deletes the members, selected by each county board, from Oconto and Shawano counties.

3. It provides for 4 Menominee Indian members instead of the 3 tribal members, and changes the selection procedure for such members from tribal election to election at the annual stockholders meeting of Menominee enterprises, inc., by the Menominee Indian stockholders on a per-share basis. No trustee may vote shares held by him.

The bill also authorizes the committee chairman to name alternate members (having the same qualifications as their principal members) to represent absent members, and also authorizes him to appoint advisors to the committee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1971 STATE OF WISCONSIN LRB-5814/1
MV:lln

SENATE SUBSTITUTE AMENDMENT 1,

TO 1971 SENATE BILL 498

July 9, 1971 - Offered by Senator R. La FAVE.

AN ACT to amend 13.83 (3) (b) 1, 2 and 4; and to create 13.83 (3) (bm) of the statutes, relating to alterations in membership, and the method of their selection, of the Menominee Indians committee and providing for alternate members and advisors to the committee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 13.83 (3) (b) 1, 2 and 4 of the statutes are amended to read:

13.83 (3) (b) 1. ~~Three members to be named by the~~ Four Menominee ~~Indian tribe~~ Indians, and alternates therefor, to be elected at large at the annual stockholders meeting of Menominee enterprises, inc. Each Menominee Indian stockholder shall have one vote for each share of stock held by him, but no trustee may vote shares held in trust by him.

2. ~~Three members, one each~~ One member from ~~Oconto,~~ Menominee ~~and Shawano counties~~ county, to be named by the county board ~~of those counties~~.

4. ~~One senator~~ Two senators and 2 representatives to the assembly, to be named by the legislative council. The members named

1971

STATE OF WISCONSIN

LRB-3011
MV:hs:1

1971 SENATE BILL 499

May 6, 1971 – Introduced by Senators R. La FAVE, LORGE, McKENNA, C. THOMPSON and CHILSEN; cosponsored by Representatives FROEHLICH, ROGERS and GROVER, by request of Menominee Indian Study Committee. Referred to Committee on Health and Social Services.

AN ACT to create 20.435 (1) (d) and 141.06 (4) of the statutes, relating to state payment of excess county health costs in small counties, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill establishes a program whereby the state will pay those costs of the county health program in Menominee county which exceed a rate of $5 per $10,000 of county equalized valuation. For further information, see the appended fiscal note.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.435 (1) (d) of the statutes is created to read:

20.435 (1) (d) Aids for excess county health expenditures. A sum sufficient for payment of excess county health costs in small counties under s. 141.06 (4).

SECTION 2. 141.06 (4) of the statutes is created to read:

141.06 (4) When, in a county having a population of 3,000 or less, county health expenditures authorized under this section and approved by the department of health and social services exceed $500 for each $1,000,000 of equalized valuation of property in the

1971 STATE OF WISCONSIN LRB-3011
11n:1

FISCAL NOTE TO 1971 SENATE BILL 499

FISCAL NOTE: This bill would shift the Menominee County health expenditures in excess of $500 per $1,000,000 of equalized valuation of property to the state. Estimated costs to the state are $25,105 for 1971-72 and $25,703 for 1972-73. County costs are estimated at $10,782 annually.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

1971 STATE OF WISCONSIN LRB-3010/1
MV:jw

1971 SENATE BILL 500

May 6, 1971 – Introduced by Senators R. La FAVE, LORGE, PELOQUIN, McKENNA, C. THOMPSON and CHILSEN; cosponsored by Representatives FROEHLICH, ROGERS and GROVER, by request of Menominee Indian Study Committee. Referred to Committee on Health and Social Services.

AN ACT to renumber and amend 49.046; and to create 49.046 (2) of the statutes relating to administration and financing of relief to needy Indian persons.

Analysis by the Legislative Reference Bureau

Present law establishes a relief program under the department of health and social services for needy Indians who are not eligible for aid under other specified programs and who reside on tax-free lands.

This bill changes the designation of potential recipients from "needy Indians" to "needy Indian persons" and provides that in Menominee county recipients need not reside on tax-free lands.

For further information, see the appended fiscal note.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 49.046 of the statutes is renumbered 49.046 (1) and amended to read:

49.046 (title) RELIEF TO NEEDY INDIAN PERSONS. (1) From the appropriation made in s. 20.435 (4) (e) and (o), the department may grant relief to needy ~~Indians~~ Indian persons not eligible for aid under ss. 49.18, 49.19, 49.20 to 49.37, 49.46, or 49.47, or 49.61 and residing on tax-free lands or may appoint the welfare

1971 STATE OF WISCONSIN LRB-3010
kb:1

FISCAL NOTE TO 1971 SENATE BILL 500

FISCAL NOTE: The only amendment to Section 49.046 of the statutes included in the bill which would appear to have an appreciable fiscal effect would be the addition of Section 49.046 (2) which would create eligibility for Indian persons living in Menominee County whether or not they are residing on tax free land. Such persons are not eligible under the present provisions of Section 49.046.

During the period July through December 1970 general relief granted by the town of Menominee which includes the entire county amounted to approximately $4000. At this level the annual total of such grants would amount to about $8000. It is anticipated, however, that such grants would be increased due to inclusion in the state program because of uniform statewide standards and granting policies by about twenty-five percent, or to about $10,000 per year.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

1971 STATE OF WISCONSIN LRB-4131/2
MV:ss

1971 SENATE BILL 501

May 6, 1971 - Introduced by Senators R. La FAVE, LORGE, McKENNA, C. THOMPSON and CHILSEN; cosponsored by Representatives FROEHLICH, ROGERS and GROVER. Referred to Committee on Transportation.

AN ACT to create 20.395 (2) (a) and (t) of the statutes, relating to the construction of a bridge and highway improvements in Menominee county, and making appropriations.

Analysis by the Legislative Reference Bureau

This bill appropriates $35,000 from the highway fund to Menominee county to pay the county's share of costs and secure federal matching funds for the construction on a bridge on CTH "M" in the county.

The bill also appropriates $50,000 from the highway fund to employ Indians residing in Menominee county in improving the highways in that county.

For further information, see the appended fiscal note.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. At the appropriate place in the schedule in section 20.005 of the statutes, insert the following amounts for the purposes indicated:

		1971-72	1972-73
20.395	TRANSPORTATION, DEPARTMENT OF		
(2)	HIGHWAY FACILITIES		
(s)	County and town highway improvements in Menominee		

1971 STATE OF WISCONSIN LRB-4131
11n: 2

FISCAL NOTE TO 1971 SENATE BILL 501

FISCAL NOTE: The appropriation of $85,000 from the highway fund would decrease aids to localities by $51,000 and funds available for highway construction by $34,000 during fiscal 1971-72.

DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

1971 STATE OF WISCONSIN LRB-1887/1
MV:klp

1971 SENATE BILL 502

May 6, 1971 – Introduced by Senators R. La FAVE, LORGE, PELOQUIN, McKENNA, CHILSEN and C. THOMPSON; cosponsored by Representatives FROEHLICH, ROGERS and GROVER. Referred to Committee on Education.

AN ACT to create 20.835 (2) (d) and 38.155 (7m) of the statutes, relating to state assumption of Menominee county vocational school costs, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill provides that the state will pay those operational and capital costs attributable to vocational, technical and adult education which would otherwise be levied against Menominee county property taxpayers.

For further information, see the appended fiscal note.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.835 (2) (d) of the statutes is created to read:

20.835 (2) (d) Menominee county vocational tax relief. A sum sufficient for payments under s. 38.155 (7m).

SECTION 2. 38.155 (7m) of the statutes is created to read:

38.155 (7m) All costs which would otherwise be apportioned to the territory of a county containing one town only and spread upon the tax rolls therein under subs. (6) and (7) shall, in lieu

1971 STATE OF WISCONSIN LRB-1887
ss:1

FISCAL NOTE TO 1971 SENATE BILL 502

FISCAL NOTE: This proposal would have an insignificant fiscal effect on state general purpose revenues. The Department of Revenue has not estimated the increase the general purpose costs for the sum sufficient payment of Menominee County vocational tax relief.

DEPARTMENT OF REVENUE

The State of Wisconsin—1971 Senate Joint Resolution 77

ENROLLED JOINT RESOLUTION

Memorializing Congress to enact legislation for the benefit of the Menominee Indian Tribe of Wisconsin.

Whereas, the Menominee Indian Tribe of Wisconsin, since termination from federal supervision in 1961, has diligently and faithfully made sincere efforts to carry out the mandate of the United States congress to assume and absorb the responsibility for the control of tribal properties and service functions; and

Whereas, the Menominee Indian Tribe, in compliance with the Menominee Termination Act and Wisconsin law, formed Menominee Enterprises, Inc., for the control and management of tribal assets and secured the necessary legislation from the Wisconsin legislature for the creation of Menominee county to establish an orderly system of local government; and

Whereas, the rising costs of local government and the impending cutoff of federal aids will result in the diminution of assets and employment opportunities for the Menominee people and will pose an economic strain on Menominee Enterprises, Inc., which bears the major tax burden in Menominee county; and

Whereas, termination has been shown to lead to social demoralization and economic distress among the American Indian tribes as well as the Menominee people; and

Whereas, President Nixon has stated the policy of the executive branch as, expressed on July 8, 1970, that termination is morally and legally unacceptable and discourages self-sufficiency among Indian groups and that any Indian group which decides to assume the control and responsibility for government service programs may still receive adequate federal financial support: Now, therefore, be it

Resolved by the senate, the assembly concurring, That the legislature urges the congress of the United States to enact legislation and repeal or amend such parts of the Menominee Termination Act (P.L. 83–399) as are necessary to accomplish the following goals for the benefit of the Menominee people:

1. Reestablishment of service functions of the department of health, education and welfare to the Menominee people as a part of the regular responsibilities and service functions of the federal government the same as enjoyed by other Indian tribes,

2. Repeal of any provisions of the Menominee Termination Act which exclude the Menominee people or tribe from health, education and welfare benefits under regular government appropriations and further repeal of any provisions of said act which are designed to abolish Menominee Indian tribal idenity or which are in conflict with legislation proposed herein; and, be it further

Resolved, That duly attested copies of this resolution be immediately transmitted to the President of the United States, to each member of the congressional delegation from Wisconsin, to the chairmen of the House and Senate Interior and Insular Affairs Committees, to the Secretary of the Interior, the Secretary of the Senate of the United States and the Chief Clerk of the House of Representatives of the United States.

William P. Nugent,
Chief Clerk of the Senate.
Thomas P. Fox,
Chief Clerk of the Assembly.

The State of Wisconsin—1971 Senate Joint Resolution 78

ENROLLED JOINT RESOLUTION

Requesting President Nixon to direct the federal department of health, education and welfare to acknowledge the Menominee Indians to be Indians.

Whereas, under regulations of the U.S. department of health, education and welfare the Menominee Indians are not considered Indians; and

Whereas, this patent absurdity denies benefits to needy Menominees, tends to substantiate Indian suspicion of the trustworthiness of the federal government and makes a laughing-stock of government; now, therefore, be it

Resolved by the senate, the assembly concurring, That the legislature requests President Nixon to issue an executive order directing the department of health, education and welfare to make the not surprising finding that the Menominee Indians are Indians; and be it further

Resolved, That a copy of this resolution be transmitted to President Nixon.

WILLIAM P. NUGENT,
Chief Clerk of the Senate.
THOMAS P. FOX,
Chief Clerk of the Assembly.